

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

In the Matter of:)	ADMINISTRATIVE ORDER TO
)	COMPEL COMPLIANCE WITH AN
)	INFORMATION REQUEST
)	
ORE KNOB MINE SUPERFUND SITE)	Docket No.
LAUREL SPRINGS, ASHE COUNTY,)	CERCLA-04-2010-3764
NORTH CAROLINA)	
)	Proceeding Under Section 104(e) of
Derek Nevada Reeves,)	the Comprehensive Environmental
)	Response, Compensation, and
Respondent.)	Liability Act, as amended,
)	42 U.S.C. § 9604(e)

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Attachment A: Ashe County Property Record

Attachment B: Information Request, dated February 8, 2010

Attachment C: Notice of Inadequate Response, dated April 2, 2010

Attachment D: Second Notice of Inadequate Response, dated April 27, 2010

I. JURISDICTION

1. This Administrative Order (“Order”) is issued to Derek Nevada Reeves (hereinafter, “Respondent”) to compel compliance with an information request and access to documents related to this request. This Order is issued to Respondent pursuant to the authority vested in the United States by Section 104(e)(5) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (“CERCLA”), 42 U.S.C. § 9604(e)(5). This authority was duly delegated to the Administrator of the United States Environmental Protection Agency (“EPA”) on January 23, 1987, by Executive Order No. 12580, 52 Fed. Reg. 2923, redelegated to the Regional Administrators of EPA on May 11, 1994, by EPA Delegation No. 14-6, and further delegated by Regional Delegation 14-6 to the Chief of the Waste Program Branch (now known as the Chief of the Superfund Enforcement and Information Management Branch).

II. FINDINGS OF FACT

A. Respondent

2. Respondent is the owner of the Property located generally at 717 to 721 Little Peak Creek Road, Laurel Springs, Ashe County, North Carolina, at which hazardous substances, including, but not limited to, acid-generating mine tailings, copper, iron, thallium, zinc, polycyclic aromatic hydrocarbons (“PAH”), and arsenic, were disposed of or have come to be located as a result of former mining operations at the Property.

3. The Property is a designated by Ashe County Parcel number 14408-029-012A. A more detailed description of the Property is contained in the Ashe County Property Record attached as Exhibit A.

B. The Site

4. The Ore Knob Mine Superfund Site (“Site”) encompasses approximately 165 acres, and is located in Ashe County, North Carolina, approximately 12 miles south of the Virginia state line, 45 miles southeast of Bristol, Tennessee, and eight miles east of the town of Jefferson, North Carolina. The Site contains areas affected by mining, including three principal areas that were directly affected by mining along with other areas, primarily downstream, where hazardous substances have come to be located. The three principal areas include the 1950s Mine and Mill Area, the 19th Century Operations Area, and the Main Tailings Impoundment.

5. The 1950s Mine and Mill Area comprises 15 acres and is located northwest of the intersection of Ore Knob Road and Little Peak Creek Road, just north of Highway 88. This area contains derelict ore bins, concrete mill foundations, a transformer building, other ruins, a small sawmill currently in operation, two acres with about 10,000 cubic yards of tailings – now mostly covered with stumps, and a two-acre former pond where process water was stored. Little Peak Creek starts just upstream of the former pond, flows through the former pond, and discharges into Peak Creek 2.5 miles downstream. A portion of the 1950s Mine and Mill Area is located on Respondent’s Property.

6. EPA collected ore, tailings, and soil samples from the 1950s Mine and Mill Site during the Expanded Site Inspection (“ESI”) performed in July 2007, and analyses revealed that they are strongly acid-generating; exceeded one or more residential soil screening values for iron, copper, thallium, zinc, and PAH; and exceeded cancer-risk screening levels for arsenic. Surface water samples of downstream receiving waters revealed high levels of total aluminum, copper, and manganese.

7. In response to releases or threats of releases of hazardous substances, the Site was listed on the Superfund National Priorities List pursuant to CERCLA § 105(8)(B) and 40 C.F.R. Part 300 (Appendix B) on September 23, 2009. 74 Fed. Reg. 48412, 48415 (Sept. 23, 2009).

8. In addition to listing the Site on the NPL, EPA has taken the following response activities at the Site under the authority of CERCLA:

a. Removal Site Visit and Evaluation on August 23, 2006, in order to gain a basic understanding of risks posed to human health and/or the environment by releases or threatened releases from the Site, and the need for a Time Critical Removal Action;

b. Collection and analysis of data for an ESI in July 2007 to evaluate the risks posed by releases or threatened releases from the Site, and preparation of an ESI Report in September 2008;

c. Issuance of a Removal Action Memorandum on September 15, 2008, authorizing the Superfund Program to conduct a Time Critical Removal Action at the Tailings Impoundment;

d. Completion of a geotechnical stability analysis and slope stability analysis of the Tailings Impoundment dam face by the United States Bureau of Reclamation;

e. Excavation of approximately 16,000 cubic yards of tailings from the Tailings Impoundment sediment pond to obtain necessary freeboard in the pond;

f. Construction of an approximately 2400-foot-long, 20-foot wide diversion channel that will direct stormwater around the Tailings Impoundment to minimize erosion of the dam face and acid-mine drainage;

g. Filling of four ponds in the vicinity of the Tailings Impoundment to reduce surface water erosion;

- h. Refacing of the Tailings Impoundment dam face; and
- i. Providing bottled water service to residences impacted by contaminated groundwater.

9. EPA expects to perform additional removal and remedial activities at the Site, including, but not limited to, capping the Tailings Impoundment and cleaning up the 1950s Mine and Mill Site and 19th Century Operations Areas.

C. Noncompliance with the Information Request

10. On or about February 8, 2010, De'Lyntoneus Moore, Chief of the Superfund Removal Enforcement and Information Management Section, EPA Region 4, a duly delegated representative of the President and EPA under EPA Delegation No. 14-6 and Regional Delegation 14-6, sent a certified letter, return receipt requested, to Respondent pursuant to 42 U.S.C. § 9604(e) requesting that Respondent furnish certain information to EPA ("Information Request"). A copy of the Information Request is attached as Exhibit B.

11. According to the U.S. Post Office return receipt, Respondent received the Information Request on February 20, 2010.

12. In the Information Request, EPA requested information relevant to one or more of the following:

- a. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;
- b. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; or

c. Information relating to the ability of a person to pay for or to perform a cleanup.

13. The Information Request also notified Respondent that EPA could seek penalties for failure to comply with the Information Request and that Respondent could contact certain individuals at EPA (whose telephone numbers and addresses were provided) if Respondent had questions or concerns regarding the Information Request.

14. The Information Request required Respondent to submit a complete and truthful response, including the provision of all relevant documents, to EPA within 30 days after the date of receipt. Respondent failed to submit a complete response to the Information Request by the required date, March 22, 2010.

15. Respondent Derek Nevada Reeves is the owner of the Property, and has been since December 2005. Pursuant to CERCLA § 107(a), as the current owner and/or operator of the Site, Respondent is potentially liable for response costs incurred by EPA in connection with the cleanup of the Site.

16. On or about April 2, 2010, Suzanne Armor, Associate Regional Counsel, Region 4, a duly delegated representative of the President and EPA under EPA Delegation No. 14-6 and Regional Delegation 14-6, sent a certified letter, return receipt requested, to Respondent notifying Respondent of Respondent's inadequate response to the Information Request ("Notice of Inadequate Response"), attached hereto as Exhibit C.

17. According to the U.S. Post Office return receipt, Respondent received the Notice of Inadequate Response on April 8, 2010.

18. The Notice of Inadequate Response also notified Respondent that EPA could seek penalties for failure to comply with the Information Request and that Respondent could contact

certain individuals at EPA (whose telephone numbers and addresses were provided) if Respondent had questions or concerns regarding the Notice of Inadequate Response.

19. The Notice of Inadequate Response required Respondent to submit a complete and truthful response, including the provision of all relevant documents, to EPA no later than April 16, 2010. Respondent failed to submit a complete response to the Information Request by that date.

20. On or about April 27, 2010, Suzanne Armor, Associate Regional Counsel, Region 4, a duly delegated representative of the President and EPA under EPA Delegation No. 14-6 and Regional Delegation 14-6, sent a letter via United Parcel Service Next Day Air, to Respondent again notifying Respondent of Respondent's inadequate response to the Information Request ("Second Notice of Inadequate Response"), attached hereto as Exhibit D.

21. According to United Parcel Service records, Respondent received the Second Notice of Inadequate Response on April 28, 2010.

22. The Second Notice of Inadequate Response also notified Respondent that EPA could seek penalties for failure to comply with the Information Request and that Respondent could contact certain individuals at EPA (whose telephone numbers and addresses were provided) if Respondent had questions or concerns regarding the Second Notice of Inadequate Response.

23. The Second Notice of Inadequate Response required Respondent to submit a complete and truthful response, including the provision of all relevant documents, to EPA no later than May 7, 2010. Respondent failed to submit a complete response to the Information Request by that date.

24. To date, the Respondent has completely failed to comply with the Information Request.

III. DETERMINATIONS

25. The Site is a “facility” within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

26. Each substance listed in paragraph 6 above is a “hazardous substance” within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

27. There has been a “release” or a threat of a release at the Site of “hazardous substances” into the “environment” within the meaning of Sections 101(8), 101(14), and 101(22) of CERCLA, 42 U.S.C. §§ 9601(8), (14) and (22).

28. Respondent is a “person” within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

29. Respondent is a person who has or may have information relevant to any of the matters specified in the Information Request.

30. The information and documents requested in the Information Request are for one or more of the purposes of determining the need for, choosing, or taking response actions, or otherwise enforcing the provisions of Title I of CERCLA within the meaning of Section 104(e)(1) of CERCLA, 42 U.S.C. § 9604(e)(1).

31. Respondent's failure to comply with the Information Request is a violation of CERCLA § 104(e), 42 U.S.C. § 9604(e).

IV. ORDER

32. Within ten (10) business days after the effective date specified below, Respondent shall provide EPA with a full and complete response, including copies of all documents requested directly or indirectly, to the entire Information Request.

33. Respondent shall submit all responses and documents required by this order to:

Suzanne Armor, Associate Regional Counsel
Office of Environmental Accountability
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

34. Nothing herein limits or otherwise affects any right of the United States to gather information pursuant to applicable laws, regulations, or permits.

V. ENFORCEMENT

35. Failure to comply with this Order within the time specified may subject Respondent to judicial enforcement of this Order as well as civil penalties of up to \$37,500 for each day of noncompliance with the Information Request, and with this Order, or both, pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5), and the Civil Monetary Penalty Inflation Adjustment Rule, 73 Fed. Reg. 75340 (Dec. 11, 2008), 40 C.F.R. § 19.4. In addition, any person who is liable for a release or threat of release of a hazardous substance or pollutant or contaminant and who fails to comply with this Order may be liable for punitive damages in an amount up to three times the amount of any costs incurred by the United States as a result of such failure, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Nothing herein shall preclude EPA from taking any additional enforcement actions, and/or other actions it may deem necessary for any purpose, including the prevention or abatement of a threat to the

public health, welfare, or the environment arising from conditions at the Property, and recovery costs thereof.

36. Nothing in this Order constitutes a waiver, bar, release, or satisfaction of or a defense to any cause of action which EPA has now or may have in the future against Respondent, or against any entity which is not a party to this Order.

37. Nothing in this Order shall affect in any manner the right of EPA to issue any other orders to or take any other administrative or civil action against Respondent or any other parties under CERCLA which relate to the Property or any other site.

38. Nothing in this Order constitutes a decision on preauthorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

VI. ADMINISTRATIVE RECORD

39. EPA has established an Administrative Record which contains the documents that form the basis for the issuance of this Order. It is available for review by appointment on weekdays between the hours of 9:00 am and 4:00 pm at the EPA offices in Atlanta, Georgia. To review the Administrative Record, please contact Suzanne K. Armor, Associate Regional Counsel, to make an appointment.

VII. OPPORTUNITY TO CONFER

40. Within three (3) business days after receipt of this Order, Respondent may request a conference with EPA to be held no later than two (2) days before the effective date of this Order. The conference may deal with any matter pertinent to this Order, including the determinations upon which the Order is based, the applicability of the Order to Respondent, the appropriateness of any action Respondent is ordered to take, or any other relevant and material issues regarding the Order. This conference is not an adversarial hearing and is not a formal

proceeding to enforce or challenge the Order. Respondent may appear in person or by attorney or other representative at the conference. Respondent may also submit written comments or statements of position on any matter pertinent to this Order no later than the time of the conference, or no later than two (2) days before the effective date of the Order if Respondent does not request a conference. EPA will deem Respondent to have waived its right to a conference or to submit written comments if Respondent fails to request the conference, or to submit written comments, within the specified time period.

41. Any request for a conference or written comments should be submitted to:

Suzanne Armor, Associate Regional Counsel
Office of Environmental Accountability
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9701

VIII. MODIFICATION

42. This order may be amended or modified only by EPA in writing. Any such amendments or modifications shall be effective when signed by the Chief of the Waste Program Branch (now known as the Chief of the Superfund Enforcement and Information Management Branch), or her delegate.

IX. EFFECTIVE DATE; COMPUTATION OF TIME

43. This Order shall be effective ten (10) days after its receipt by Respondent or Respondent's designated representative, unless a conference is timely requested as provided above. If a conference is timely requested, then, at the conclusion of the conference or after the conference, if EPA determines that no modification to the Order is necessary, the Order shall become effective immediately upon notification by EPA of such determination. If modification of the Order is determined by EPA to be necessary, the Order shall become effective upon

notification by EPA of such modification. Any EPA notification under this paragraph may, at EPA's discretion, be provided to Respondent via facsimile, electronic mail, or oral communication; provided that if EPA does use such a form of notification, it will also confirm such notification by first class, certified, or express mail to Respondent or its legal counsel. Any amendment or modification of this Order by EPA shall be made or confirmed in writing.

44. For purposes of this Order, the term "day" shall mean a calendar day. When computing any period of time under this Order, if the last day would fall on a Saturday, Sunday, or federal legal holiday, the period shall run until the next day that is not a Saturday, Sunday, or federal legal holiday.

X. NOTICE OF INTENT TO COMPLY

45. On or before the effective date of this Order, Respondent shall notify EPA in writing whether Respondent will comply with the terms of this Order by completing the "Intent to Comply with Administrative Order to Compel Compliance with an Information Request" form enclosed with this Order. Respondent's failure to notify EPA of its unconditional intent to fully comply with this Order by the time the Order becomes effective shall be, as of the effective date of the Order, treated as a violation of the Order. Such written notice shall be mailed to:

Suzanne Armor, Associate Regional Counsel
Office of Environmental Accountability
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

SO ORDERED.

Date: May 11, 2010

A handwritten signature in cursive script, appearing to read 'Anita L. Davis', written over a horizontal line.

Anita L. Davis, Chief
Superfund Enforcement and Information Management Branch

**Intent to Comply with
Administrative Order to Compel
Compliance with an Information Request**

I, Derek Nevada Reeves, am the owner of the Property located generally at 717 to 721 Little Peak Creek Road, Laurel Springs, Ashe County, North Carolina. I received an Administrative Order to Compel Compliance with an Information Request ("Order") from the United States Environmental Protection Agency ("EPA") to compel response to an Information Request sent by EPA to me on or about February 8, 2010.

I hereby give notice to EPA that I will comply with the Order and respond to the Information Request as required by the Order.

CIRCLE ONE: NO / YES

Signature: _____

Print Name: _____

Please return this form to:

Suzanne Armor, Associate Regional Counsel
Office of Environmental Accountability
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Fax: (404) 562-8078

ATTACHMENT A

Ashe County Property Record

Ashe County, North Carolina



- Buildings
- City Limits
- Farm Preservation
- Flood Way
- Flood Zone
- Parcels
- Roads
- Water
- County

Results

Fire Zones

LAUREL SPRINGS FD

Parcels

Owner: REEVES, DEREK NEVADA & WILLIAM RUSSELL & LIBBY E REEVES **Address:** 504 HWY 194 S **City:** WEST JEFFERSON **State:** NC **Zip:** 28694 **Parcel ID:** 14408-029-012A **Size:** 3.42900 acres **Bldg Value:** 6000.00000 **Total Value:** 32600.00000 **Deed Book:** 350 **Deed Page:** 1935 **Plat Book:** <blank> **Plat Page:** <blank> **Gpin:** 391732349936 **Xfer Date:** 2006

Townships

PEAK CREEK

Voting Districts

PEAK CREEK

ATTACHMENT B

Information Request, dated February 8, 2010



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 8 2010

GENERAL NOTICE LETTER AND
INFORMATION REQUEST
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Derek Nevada Reeves
504 Highway 194 South
West Jefferson, North Carolina 28694

Re: General Notice Letter and Information Request Pursuant to CERCLA Section 104(e) for the Ore Knob Mine Superfund Site, Jefferson, Ashe County, North Carolina

Dear Mr. Reeves:

The purpose of this letter is twofold. First, this letter notifies you of the potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), that you may have incurred with respect to the Ore Knob Mine Superfund Site ("Site") located near Jefferson, Ashe County, North Carolina. Second, pursuant to the authority of Section 104 of CERCLA, 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Attachment A, attached hereto.

Under CERCLA, commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency ("EPA") is responsible for responding to the release or threat of release of hazardous substances, pollutants, or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that you may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

Site Description

The Site encompasses approximately 165 acres, and is located in Ashe County, North Carolina, approximately 12 miles south of the Virginia state line, 45 miles southeast of Bristol, Tennessee, and eight miles east of the town of Jefferson, North Carolina, as depicted generally on the map attached as Attachment B hereto. The Site contains areas affected by mining, including three principal areas that were directly affected by mining along with other areas, primarily downstream, where hazardous substances have come to be located. The three principal areas include the 1950s Mine and Mill Area, the 19th Century Operations Area, and the Main Tailings Impoundment.

The 1950s Mine and Mill Area comprises 15 acres and is located northwest of the intersection of Ore Knob Road and Little Peak Creek Road, just north of Highway 88. This area contains derelict ore bins, concrete mill foundations, a transformer building, other ruins, a small sawmill currently in operation, two acres with about 10,000 cubic yards of tailings – now mostly covered with stumps, and a two-acre former pond where process water was stored. Little Peak Creek starts just upstream of the former pond, flows through the former pond, and discharges into Peak Creek 2.5 miles downstream.

The 19th Century Operations Area and the Main Tailings Impoundment are located across Little Peak Creek Road, at the end of Ore Knob Mine Road. The 19th Century Operations Area includes a series of barren and nearly barren stretches of land (totaling about five acres) near the top of Ore Knob that contain waste rock dumps from at least 11 mine shafts as well as locations where ore was roasted to drive off sulfur and smelted to recover copper. These waste materials occur in upland areas and are subject to erosion and downslope transport.

The Main Tailings Impoundment is located about 0.3 miles northeast of the 19th Century Operations Area, covers approximately 20 acres, and is estimated to contain 720,000 cubic yards of tailings. Tailings are the waste material left over after minerals have been extracted from ore mined at the Site. The tailings are strongly acid-generating and the average sample is characterized by high concentrations of numerous metals, including copper, zinc, arsenic, and mercury. Notably, the Tailings Impoundment is mostly barren of vegetation.

At the end of the Tailings Impoundment is a dam about 60 feet high and 700 feet wide. The dam has been subjected to severe erosion and water emanates from the dam in several places. The face of the dam is deeply incised and erodes directly into a creek. The creek, the Ore Knob Branch, is piped underneath the Tailings Impoundment through a 24-inch pipe that exits the bottom of the dam face. The pipe discharges into a sediment pond that was full and did not have adequate space to contain the sediment and other precipitates from continuing down Ore Knob Branch. In addition, tailings slumped over the dam face and have at least partially blocked the pipe, causing water to back up into the Tailings Impoundment and seep through the dam face. In addition, the upper end of the pipe is known to become blocked.

Explanation of Potential Liability

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, EPA believes that you may be liable under Section 107(a) of CERCLA with respect to the Site, as a current or previous owner and/or operator of the Site. Specifically, EPA has reason to believe that you are the current owner of a parcel of land known as Ashe County Tax Parcel No. 14408-029-12A, which contains a portion of contamination from the 1950s Mine and Mill Site.

To date, EPA has taken the following response activities at the Site under the authority of CERCLA (also known as the "Superfund Program"):

- A Removal Site Visit and Evaluation on August 23, 2006, in order to gain a basic understanding of risks posed to human health and/or the environment by releases or threatened releases from the Site, and the need for a Time Critical Removal Action;
- Collection and analysis of data for an Expanded Site Inspection in July 2007 to evaluate the risks posed by releases or threatened releases from the Site, and preparation of an Expanded Site Inspection Report in September 2008;
- Issuance of a Removal Action Memorandum on September 15, 2008, authorizing the Superfund Program to conduct a Time Critical Removal Action at the Tailings Impoundment;
- Completion of a geotechnical stability analysis and slope stability analysis of the Tailings Impoundment dam face by the United States Bureau of Reclamation;
- Excavation of approximately 16,000 cubic yards of tailings from the Tailings Impoundment sediment pond to obtain necessary freeboard in the pond;
- Construction of an approximately 2400-foot-long, 20-foot wide diversion channel that will direct stormwater around the Tailings Impoundment to minimize erosion of the dam face and acid-mine drainage;
- Filling of four ponds in the vicinity of the Tailings Impoundment to reduce surface water erosion;
- Refacing of the Tailings Impoundment dam face;

- Preparation of a Hazard Ranking System (HRS) evaluation to assess the potential risks to human health and the environment posed by releases or threatened releases from the Site; and
- Proposed the Site to the National Priorities List (NPL) on April 9, 2009, with final listing on the NPL on September 23, 2009.

EPA expects to perform additional removal and remedial activities at the Site, including, but not limited to, capping the Tailings Impoundment and cleaning up the 1950s Mine and Mill Site and 19th Century Operations Areas.

Financial Concerns/Ability to Pay Settlements

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within that category, please complete one or both of the attached questionnaires: the Individual Ability to Pay Claim Financial Data Form (attached hereto as Attachment C); or Financial Statement of Corporate Debtor (attached hereto as Attachment D). If EPA concludes that you have a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that, because EPA has a potential claim against you, you must include EPA as a creditor if you file for bankruptcy.

Information Request

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request enclosed as Attachment A to this letter.

Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request **within thirty (30) days of receipt of this letter**, or to adequately justify failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended. This statute permits EPA to seek the imposition of penalties of up to thirty-seven thousand, five hundred dollars (\$37,500) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(d).

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*

Your responses to this Information Request should be mailed to:

Suzanne K. Armor, Associate Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Information to Assist You

EPA would like to encourage communication between you, other PRPs, and EPA at the Site. To assist you in your efforts to communicate, below is a list of names and addresses of those PRPs who have already received general notice letters:

Copper Range Company
c/o Mr. Randall Vickery, Esq.
Freeborn & Peters, LLP
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

Mr. Herbert N. Francis
c/o Mr. F. Bryan Brice, Jr., Esq.
Law Offices of F. Bryan Brice, Jr.
19 West Hargett Street, Suite 600
Raleigh, North Carolina 27601

The Marsh Foundation
c/o Mr. William W. Toole, Esq.
Robinson Bradshaw & Hinson
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246

Mr. and Mrs. Thomas and Evelyn Reeves
c/o Mr. William W. Toole, Esq.
Robinson Bradshaw & Hinson
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246

Mr. and Mrs. William and Libby Reeves
c/o Mr. William W. Toole, Esq.
Robinson Bradshaw & Hinson
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246

Administrative Record

EPA has established an Administrative Record that contains documents that serve as the basis for EPA's selection of a cleanup action for the Site. The Administrative Record is located at the Ashe County Library, 148 Library Drive, West Jefferson, North Carolina, and is available to you and the public for inspection. The Administrative Record is also available for inspection at the Superfund Records Center, EPA Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia.

Resources and Information for Small Businesses

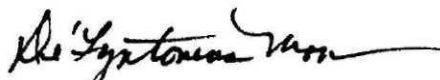
As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at <http://www.epa.gov>. In addition, the EPA Small Business Ombudsman may be contacted at <http://www.epa.gov/sbo>. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed as Attachment E to this letter.

Due to the seriousness of the problems at the Site and the legal ramifications of a failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to the Information Request within the time specified above. If you have any questions relating to the Information Request, you may consult with EPA prior to the time specified above. Please direct any legal questions to Suzanne Armor, Associate Regional Counsel, at (404) 562-9701, and general questions to Karen Coleman, Enforcement Project Manager, at (404) 562-8853. Technical questions concerning the cleanup activities should be directed to Terrence Byrd, On-Scene Coordinator, at (404) 562-8755.

Thank you for your prompt attention to this matter.

Sincerely,



De'Lyntoneus Moore, Chief
Superfund Removal Enforcement &
Information Management Section
Superfund Division

Enclosures (5)

cc: Dexter Matthews, Director
NCDENR Division of Waste Management

W. Wallace Finlator, Jr., Esq.
NCDOJ

ATTACHMENT A

**INFORMATION REQUEST
PURSUANT TO CERCLA SECTION 104(E), 42 U.S.C. § 9604(E)**

INFORMATION REQUEST

Instructions

1. **Answer Every Question Completely.**

A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.

2. **Number Each Answer.**

Precede each answer with the corresponding number of the question and the subpart to which it corresponds.

3. **Provide the Best Information Available.**

Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliant with this Information Request.

4. **Identify the Sources of Each Answer.**

For each and every question contained herein, identify (see Definitions) all persons consulted in the preparation of the answer. Also identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question and provide true and accurate copies of all such documents.

5. **Abide By Your Continuing Obligation to Provide/Correct Information.**

If additional information or documents responsive to this Information Request become known or available to you after you respond to this Information Request, EPA hereby requests pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) Section 104(e), 42 U.S.C. Section 9604(e), that you supplement your response to EPA.

6. Understand How to Request Confidential Treatment of Your Information.

The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. The portions of the information alleged to be entitled to confidential treatment;
- b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. Measures taken by you to guard against the undesired disclosure of the information to others;
- d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Be Aware of Potential Disclosure to EPA Contractors.

Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. Section 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

8. Mark Any Personal Privacy Information.

Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Answer Despite Objections to Questions.

If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

A. The term "you" shall mean the addressee of this request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

B. The term "person" shall include any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

C. The term "Site" shall mean the Ore Knob Mine Superfund Site located near Jefferson, Ashe County, North Carolina and generally shown on the Map attached hereto as Attachment B, and any of the parcels of real estate that make up the Site, including, but not limited to, Parcels 12, 12A, and 12B, also known as Ashe County Tax Parcels 14408-029-12, 14408-029-12A, and 14408-029-12B.

D. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

E. The term "contamination" shall include, but not be limited to, hazardous substances, plus any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction), or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

F. The term "identify" means:

i. With respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with title, position, and business.

ii. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), to provide: (a) its full name; (b) address; and (c) affiliation with the individual and/or company to whom/which this request is addressed.

iii. With respect to a document, to provide: (a) its customary business description; (b) its date; (c) its number, if any (invoice or purchase order number); (d) the identity of the author, addressor, addressee and/or recipient; and (e) the substance or the subject matter.

G. The term "company" shall mean any business entity, however formally or informally organized, which has ever existed, regardless of its current status.

H. The term "documents" includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies. These may include by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (1) every copy of each document which is not an exact duplicate of a document which it produces, (2) every copy which has any writing, figure or notation, annotation or the like on it, (3) drafts, (4) attachments to or enclosures with any document, and (5) every document referred to in any other document.

I. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

J. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Supplemental Information Request any information which might otherwise be construed to be outside its scope.

K. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

QUESTIONS

You and Your Company

1. Identify the person(s) authorized to discuss this Site with EPA by:
 - a. Full name and title;
 - b. Mailing address and physical address; and
 - c. Daytime telephone number.

Ownership of the Site

2. Identify any legal or equitable interest that you now have, or previously had at the Site. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained; and when, how, and to whom such interest was conveyed. In addition, submit copies of all instruments evidencing the acquisition or conveyance of such interest.
3. If you are the current owner and/or current operator, did you acquire or operate the Site or any portion of the Site after the disposal or placement of hazardous substances on, or at the Site? Describe all of the facts on which you base the answer to the preceding question.
4. At the time you acquired or operated the Site, did you know or have reason to know that any hazardous substance was disposed of on, or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question.
5. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.
6. Did you ever use, purchase, generate, store, treat, dispose, or otherwise handle at the Site any hazardous substances? If the answer to the preceding question is anything but an unqualified "no," identify:
 - a. In general terms, the nature and quantity of the non- hazardous substances so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
 - b. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
 - c. The persons who supplied you with each such hazardous substance.

- d. How each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.
- e. When each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.
- f. Where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.
- g. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.

Relevant Affiliations

- 7. If you have conducted business or have an affiliation with any of the following, please describe the nature of that business or affiliation, the individuals or companies involved, and the time period during which the business was transacted:
 - a. Copper Range Company, a Delaware corporation;
 - b. Herbert N. Francis;
 - c. Thomas and Evelyn Reeves;
 - d. William and Libby Reeves.

Insurance Coverage

- 8. Please list all agreements or contracts, including but not limited to insurance policies, which may indemnify you or your company with respect to any costs that you may have to pay due to EPA's response action conducted at the Site. Provide a copy of each such agreement, contract, or insurance policy.

Other Sources of Information

- 9. Are there any persons, other than those you have already identified, who are or were associated with you or your company, who may be better able to answer any of these questions? If so, please provide those persons' names, current mailing addresses, and current telephone numbers.
- 10. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide the following:
 - a. Your or your company's document retention policy;

- b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
- c. A description of the type of information that would have been contained in the documents;
- d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and
- e. The names and most current address of any person(s) who may possess documents relevant to this inquiry.


END

ATTACHMENT B

MAP OF THE ORE KNOB MINE SUPERFUND SITE

February 12, 2003



 Ore Knob Mine Feature
 (approximate boundary)

Surface Water	Roads
— Perennial	— Arterial
- - - Intermittent	— Highway

2005 Aerial Photography (Ashe County)








NAD 1983 State Plane North Carolina FIPS 3200 (feet)

FIGURE 2-1
 Ore Knob Former Mine Site Study Areas
 and Downstream Receiving Waters

PROJECTS:\OreKnob\Report\MapDocs\Figure2-1 Study Areas 021208.mxd

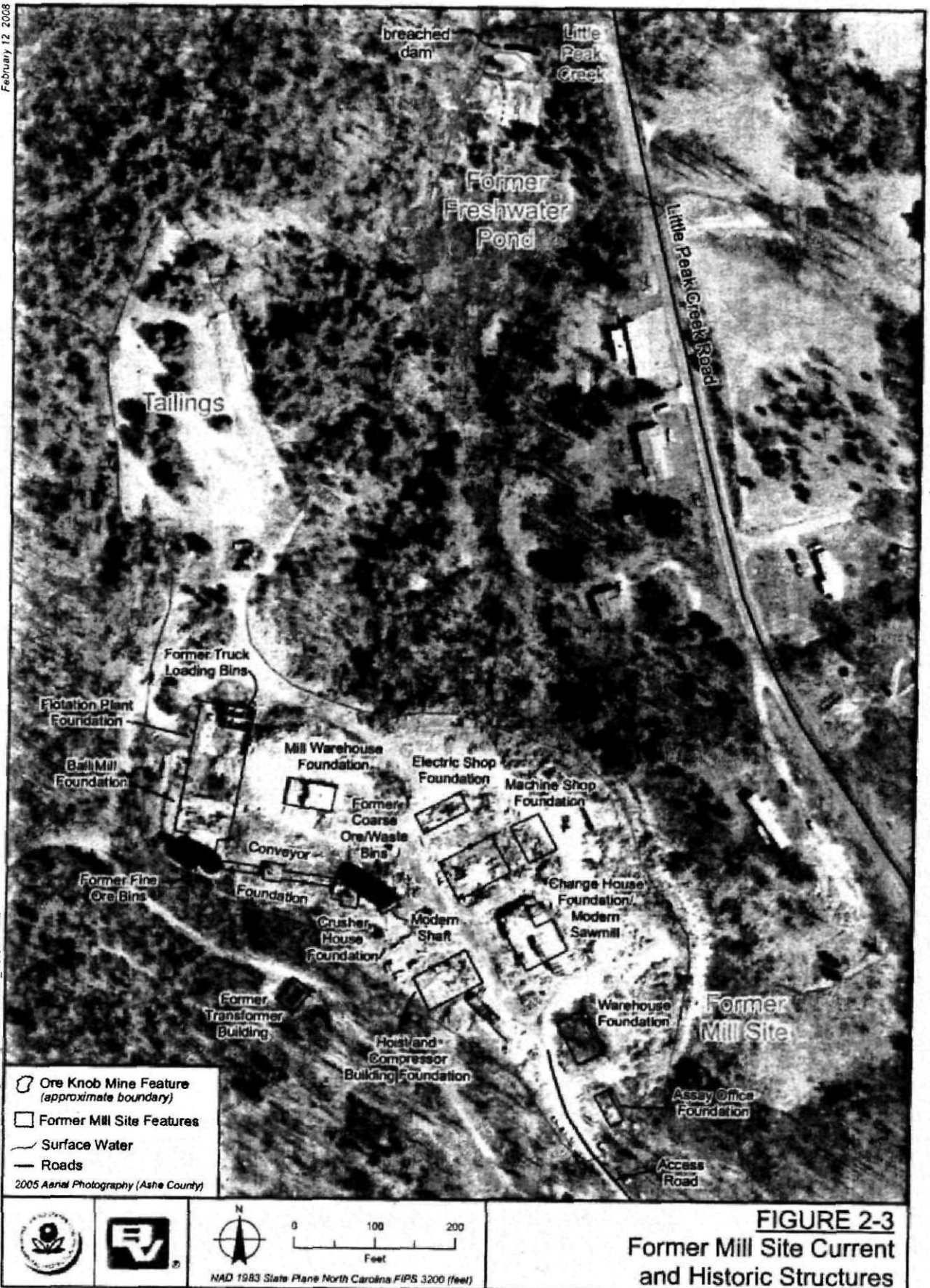


FIGURE 2-3
Former Mill Site Current
and Historic Structures

ATTACHMENT C

**INDIVIDUAL ABILITY TO PAY CLAIM
FINANCIAL DATA REQUEST FORM**



Individual Ability To Pay Claim Financial Data Request Form

This form requests information regarding your financial status. The data will be used to evaluate your ability to pay for environmental cleanup or penalties. If you need more space for your answers, please attach additional sheets of paper. Note that further documentation may be requested for any of your responses. Any other information you wish to provide supporting your case is welcome, particularly if you feel your situation is not adequately described through the information requested here.

Name:
Spouse's Name:
Address:
County of Residence:

PART I. BACKGROUND INFORMATION

1. MEMBERS OF HOUSEHOLD (List the head of the household and all persons living with you)			
Name	Age	Relationship to Head of Household	Currently Employed?

2. EMPLOYMENT (List all jobs held by applicant and spouse.)			
Name	Employer	Length of Employment	Annual Salary

3. INCOME (List all income earned by persons in household. If members of the household other than the applicant and spouse earn income, please itemize on separate page.)

Source	Gross (Pre-Tax)		Period of Payment (check one)			
	Applicant	Spouse	Weekly	Monthly	Quarterly	Yearly
Wages/Salaries						
Sales Commissions						
Investment Income (interest, dividends, capital gains, etc.)						
Net Business Income						
Rental Income						
Retirement Income (Pension, Social Security, etc.)						
Child Support						
Alimony						
Other Income (please itemize)						

PART II. CURRENT LIVING EXPENSES

Please list personal living expenses which were typical during the last year and indicate if any of these values are likely to change significantly in the current year. Please do not include business expenses. If you are the owner of an operating business, please attach any available financial statements.

Expense	Amount	Period of Payment (check one)				For Agency Use Only
		Weekly	Monthly	Quarterly	Yearly	
A. Living Expenses						
1. Rent						
2. Home maintenance						
3. Auto fuel maint./other transp.						
4. Utilities						
a. Fuel (gas,oil,wood,propane)						
b. Electric						
c. Water/sewer						
d. Telephone						
5. Food						
6. Clothing, personal care						
7. Medical costs						
B. Debt Payments						
1. Mortgage payments						
2. Car payments						
3. Credit card payments						
4. Educational loan payments						
C. Insurance						
1. Household insurance						
2. Life insurance						
3. Automobile insurance						
4. Medical insurance						
D. Taxes						
1. Property taxes						
2. Federal income taxes						
3. State income taxes						

4. FICA						
E. Other Expenses						
1. Childcare						
2. Current School tuition/expenses						
3. Legal or professional services						
4. Other (itemize on separate page)						
Total Current Expenses						

PART III. NET WORTH

Please provide the following information to the best of your ability. Data should be as current as possible. Estimates are acceptable; if you wish note such items with an "E". If you are the sole proprietor of a business, please list business assets and liabilities to the extent that the information sought is not already provided in your tax returns, in addition to personal assets and liabilities. Please mark these entries with a "B" to identify them as business assets and liabilities.

1. BANK ACCOUNTS (Checking, NOW, Savings, Money Market, CDs etc.)		
Name of Bank or Credit Union	Type of Account	Current Balance
For Agency Use Only - Total Current Balance in Bank Accounts		

2. INVESTMENTS (Stock, Bonds, Mutual Funds, Options, Futures, Real Estate Investment Trusts (REIT), etc.)		
Investment	Number of Shares or Units	Current Market Value

For Agency Use Only - Total Current Market Value of Investments

3. RETIREMENT FUNDS AND ACCOUNTS (IRA, 401(k), Keogh, vested interest in company retirement fund, etc.)	
Description of Account	Estimated Market Value

For Agency Use Only - Total Estimated Market Value of Retirement Funds and Accounts

4. LIFE INSURANCE POLICIES (Whole Life, Universal Life, etc.)			
Policy Holder	Issuing Company	Policy Value	Cash Value

For Agency Use Only - Total Value of Life Insurance Policies
--

5a. VEHICLES USED FOR COMMUTING PURPOSES (Cars, Trucks, Motorcycles, etc. Only list up to two vehicles used for commuting purposes.)

Model/Year	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Vehicles

**5b. OTHER VEHICLES (Cars, Trucks, Motorcycles, Recreational Vehicles, Motor Homes, Boats, Airplanes etc.)
Attach separate sheets, if necessary.**

Model/Year	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Vehicles

6. PERSONAL PROPERTY (Household Goods and Furniture, Jewelry, Art, Antiques, Collections, Precious Metals, etc. Only list items with a value greater than \$500.00)

Type of Property	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Personal Property

7a. REAL ESTATE — PRIMARY RESIDENCE (Home — List only one such residence.)					
Location & Description of Property	Estimated Market Value	Mortgage (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Real Estate

7b. OTHER REAL ESTATE (Land, Buildings, Land with Buildings)					
Location & Description of Property	Estimated Market Value	Mortgage (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Real Estate

8. OTHER ASSETS					
Type of Asset	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Other Assets

9. CREDIT CARDS AND LINES OF CREDIT		
Credit Card/Line of Credit (Type)	Owed To	Balance Due
For Agency Use Only - Total Balance Due on Credit Cards and Lines of Credit		

10. OTHER DEBT (Amounts due to individuals, Fixed obligations, Taxes Owed, Overdue Alimony or Child Support, etc.)				
Type of Debt	Owed To	Balance Due	Start Date	End Date
For Agency Use Only - Total Balance Due on Other Debt				

PART IV. ADDITIONAL INFORMATION

Please respond to the following questions. For any question that you answer "Yes," please provide additional information on separate pages or at the bottom of this page.

QUESTION		YES	NO
1.	Do you have any reason to believe that your financial situation will change during the next year?		
2.	Are you currently selling or purchasing any real estate?		
3.	Is anyone (or any entity) holding real or personal property on your behalf (e.g. a trust)?		
4.	Do you hold partnership interest in a partnership or own/share ownership in a corporation?		
5.	Are you a party in any pending lawsuit?		
6.	Have any of your belongings been repossessed in the last three years?		
7.	Are you a Grantor, Trustee, Executor, or Administrator? If you are a Grantor, submit copy of trust as well the attachments & schedules.		
8.	Are you a participant or beneficiary of an estate or profit sharing plan?		
9.	Have you declared bankruptcy in the last seven years?		
10.	Do you receive any type of federal aid or public assistance?		

VERIFICATION AND AFFIDAVIT

Under penalties of perjury, I declare that this statement of assets, liabilities, and other information is true, correct, and complete to the best of my knowledge and belief. I further understand that I will be subject to prosecution by the U.S. Environmental Protection Agency to the fullest extent possible under the law should I provide any information that is not true, correct, and complete to the best of my knowledge.

Date: _____

Name: _____

Signature: _____

ATTACHMENT D

FINANCIAL STATEMENT OF A CORPORATE DEBTOR



FINANCIAL STATEMENT OF CORPORATE DEBTOR

Submitted for Government
Action on Claims Due
To the United States

(Use Additional Sheets Where Needed)

1. Name (Debtor) _____ Type For Profit ()
Not for Profit ()
2. Business Address _____
Street City State Zip

Note: Attach Schedule of all Business Addresses

3. Foreign _____ Domestic _____
4. Legal form of business organization during last five (5) years.
- _____ Corporation
- _____ Subchapter S Corporation
- _____ Partnership
- _____ Proprietorship
- _____ Trust
- _____ Other?
5. State of incorporation _____ Date of incorporation _____
6. Name of registered agent _____
7. Address of registered agent _____

8. Name and address of principal stockholders. Number of shares owned by each. (If more than 8 shareholders, list only those with 5% or more stock ownership.) Total outstanding shares _____.

	<u>Name</u>	<u>Address</u>	<u>Shares</u>
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____
(7)	_____	_____	_____
(8)	_____	_____	_____

9. (A) Name and address of current (and for previous five years) officers and number of shares held by each.

	<u>Name</u>	<u>Address</u>	<u>Shares</u>	<u>Terms</u>
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____

(4)	_____	_____	_____	_____
(5)	_____	_____	_____	_____
(6)	_____	_____	_____	_____
(7)	_____	_____	_____	_____
(8)	_____	_____	_____	_____
(9)	_____	_____	_____	_____
(10)	_____	_____	_____	_____

9. (B) Name and address of current (and for previous five years) members of board of directors and number of shares held by each.

	<u>Name</u>	<u>Address</u>	<u>Shares</u>	<u>Terms</u>
(10)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(4)	_____	_____	_____	_____
(5)	_____	_____	_____	_____
(6)	_____	_____	_____	_____
(7)	_____	_____	_____	_____

- (8) _____
- (9) _____
- (10) _____
- (11) _____

10. Has this organization ever issued a prospectus for the sale of stock? (Yes ()). List date, number, and type of shares for each prospectus during the last five years.

(A) Registration on national or local stock exchange(s). (Give details, including date of registration and/or delisting).

(1)

(2)

(B) Total authorized shares for each type issued and present market value per share on each type of stock (or book value if not actively traded).

	<u>Type of Shares</u>	<u>Total Shares</u>	<u>Book Value</u>	<u>Market Value</u>
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____

(C) Total outstanding shares of each type of stock currently being held as treasury stock.

(D) Total outstanding shares of each type of stock.

(E) Amount of bonded debt and principal bondholders.

12. List states and municipalities to which taxes have been paid and/or are being paid. Describe nature and amount of such taxes, state most recent year of payment thereof and whether tax payments are current.

13. Has this organization filed United States income tax returns during the last 5 years?
Yes () No ()

To which Internal Revenue Service Office(s)

What years?

Are Federal taxes current? Yes () No ()

Provide income tax returns for the latest five (5) years.

14. Name and address of:

(A) Organization's Independent Certified Public Accountants

(B) Attorney(s) retained by organization from:

_____ To

15. Has this organization filed financial forms with any organization or government entity? List name of organization or entity, date and type of financial form.

16. Does this organization have financial statements i.e. income statement, balance sheet, statement of changes in financial position etc. for the five most recent calendar or fiscal years?

Submit one copy of each. (Audited or certified financial statements are preferred). **If financial statements are submitted, answer only questions 2(A), 2(B), and 3(A).**

(1)	<u>Assets</u>	<u>Amount</u>
	Year	_____
	Cash	\$
	Securities	\$
	Existing Facilities	\$
	Equipment	\$
	Original Cost	\$
	Depreciation	\$
	Inventory	\$

Accounts Receivable	\$				
Other	\$				
Total Assets	\$				

(2) Liabilities and Stockholders Equity

	Year				
Loans Payable ¹					
Principal	\$				
Monthly Payments Mortgages ²	\$				
Principal	\$				
Monthly Payments	\$				
Accounts Payable	\$				
Deferred Taxes	\$				
Insurance Premiums	\$				
Other	\$				
Stockholder's Equity	\$				
Common Stock	\$				
Paid-in-Capital	\$				
Retained Earnings	\$				

¹Complete loan information as requested on page 8, under a) Loans Payable.

²Complete mortgage information as requested on page 8, under b) Mortgages Payable.

Total Liabilities and Stockholder's Equity \$

A. Loans Payable

	<u>Owed to/Purpose</u>	<u>Term/Interest Rate</u>	<u>Collateral/Cosigner</u>
1)	_____	_____	
2)	_____	_____	
3)	_____	_____	

	<u>Monthly Payments</u>	<u>Original Amount/Date</u>	<u>Collateral/Cosigner</u>
1)	_____	_____	
2)	_____	_____	
3)	_____	_____	

B. Mortgages Payable

1)	_____	_____
2)	_____	_____
3)	_____	_____

	<u>Monthly Payments</u>	<u>Original Amount/Date</u>	<u>Present Balance</u>
1)	_____	_____	
2)	_____	_____	
3)	_____	_____	

(3) Income/Expenses

Gross Income

Net Sales \$ _____

Interest Income \$ _____

Dividends \$ _____

Other \$ _____

Operating Expenses

Wages \$ _____

Overhead \$ _____

Lease Pmts \$ _____

Interest Expense \$ _____

Cost of Sales \$ _____

Net Income \$ _____

(A) In addition, provide the following firm size information:

(1) Number of employees _____

(2) Size of warehouse _____

(3) Number and size Of shipments _____

(4) Other _____

Attach the following additional years for question 16 on a separate sheet: _____

17. Does this organization maintain bank accounts: Give names and addresses of banks, savings and loan associations, and other such entities, within the United States or located elsewhere. Indicate name and number of accounts and balances.

(A) Name of Bank Account # Balance (Approximate)

	_____	_____
	_____	_____
(B)	<u>Name of Bank</u>	<u>Account #</u> <u>Balance (Approximate)</u>
	_____	_____
	_____	_____
	_____	_____
(C)	<u>Other Account(s)</u>	<u>Account #</u> <u>Balance (Approximate)</u>
	_____	_____
	_____	_____
	_____	_____
(D)	<u>Savings & Loan Associations or Other Such Entities</u>	
	_____	_____
(E)	<u>Trust Account(s)</u>	
	_____	_____
(F)	<u>Other Account(s)</u>	
	_____	_____

18. List all commercial paper, negotiable or non-negotiable in which the organization has any interest whatsoever, presently in transit or in the possession of any banking institution. Describe such paper and the organization's interest therein, and state its present location. List all accounts and loans receivable in excess of \$300.00 and specify if due from an officer, stockholder, or director.
19. Has this organization engaged in any joint loan agreements, including letters of credits, with any other organization(s) ? Describe all such agreements.

20. Does this organization have any debt coinsured by another organization? Describe such arrangements.
21. List all equity participation in other organizations both domestic and foreign in which this organization has an interest, including the type, amount and terms of such interest.
22. List all debt participation in other organizations both domestic and foreign in which this organization has an interest, including the type, amount and terms of such interest.
23. Is this organization presently:
- | | | |
|---|---------|--------|
| (A) Active
(Answer no for inactive; but,
still in business) | Yes () | No () |
| (B) Void and/or terminated
State authorities | Yes () | No () |
| (C) Otherwise dissolved | | |
| 1) Date | | |
| 2) By whom | | |

3) Reason

24. (A) List corporate salaries to and/or drawings of the following personnel for the last five taxable years:

Position (Including officers)	Specify Year () () () () ()
President	\$
Chairman/Board	\$
Secretary	\$
Treasurer	\$

- (B) List the five most highly compensated employees or officers other than above, describe position and set forth annual salary and/or bonus for last five taxable years:

Position <u>Name</u>	Specify Year () () () () () <u>Position</u>
1. _____	
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

- (C) Describe the nature of the compensation paid to the persons listed in (A) and (B) above and set forth any stock options, profit sharing, royalties, or other deferred compensation rights of said persons.

25. List organizations commercial activity (fields of activity resulting in income) and SIC Code.

	<u>Commercial Activity</u>	<u>SIC Code</u>
Primary	_____	_____

Other 1. _____

Other 2. _____

Other 3. _____

26. List all other supplementary fields of activity in which this organization is engaged, either directly, through subsidiaries, or affiliates, stating the name(s) and state(s) of incorporation of such subsidiaries or affiliates.

27. Has this organization at any time been the subject of any proceeding under the provisions of any state insolvency law or the Federal Bankruptcy Act, as amended? If so, supply the following information as to each such proceeding:

(A) Date (Commencement)

(B) Date (Termination)

(C) Discharge or other disposition, if any, and operative effect thereof:

(D) State Court _____ Federal Court
County District

(E) Docket No.

28. (A) List all real estate, and personal property of an estimated value in excess of \$500.00 owned or under contract to be purchased by this organization and where located:

(B) List and describe all judgments, recorded and unrecorded:

Against the organization

In favor of the organization

List and describe all other encumbrances against real estate owned by the organization: (include but not limited to mortgages, recorded or unrecorded)

List and describe all other encumbrances (including but not limited to security interest, whether preferred or not) against any such personal property owned by the organization as is listed in 28 (A) above.

(E) List and describe location of real state, including real estate being purchased under contract, with name and address of seller and contract price:

29. List all life insurance, now in force on any or all officers, directors, and/or "key" employees, setting forth face amounts, names of life insurance companies and policy numbers where this organization has an "insurable interest" and/or is paying the premium or part of same. Where applicable, indicate under which policy(s) this organization is a beneficiary, type policy(s), yearly premium and location of policy(s). In addition, describe the conditions of and borrowing options available under each policy.
30. For the following types of policies, list all primary and excess insurance policies, the deductible amounts, the per occurrence and aggregate coverage limit for each policy. List all policies held by the firm (or predecessor firms) starting from the date which the pollution incident began.
- (A) Comprehensive general liability
 - (B) Environmental impairment liability
 - (C) Other policies for which coverage might apply including participation in risk retention pools.

(D) Other

List all transfers of any and all assets, real and/or personal property (over \$300.00) made by this organization OTHER THAN IN THE ORDINARY COURSE OF BUSINESS, during the last three (3) calendar years and state to whom transfer was made. Describe compensation paid by recipient and to whom.

<u>Date</u>	<u>Amount</u>	<u>Property Transferred</u>	<u>To Whom</u>	<u>Conditions Of Transfer</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Is this corporation a party in any law suit now pending?

Yes () (Give details below) No ()

Please list names and addresses of any persons or other business entity, holding funds in escrow or trust for this organization, or any of its subsidiaries or affiliates.

Other information requested:

Additional remarks:

VERIFICATION AND AFFIDAVIT

With knowledge of the penalties for false statements provided by 18 United States Code 1001 (\$10,000 fine and/or five (5) years imprisonment) and with knowledge that this financial statement is submitted by me as a responsible officer of this organization to affect potential action by EPA and the Department of Justice, I hereby certify that I believe I completely understand the above statement, and that the same is true and complete statement of all organization income and assets, real and personal, whether held in the company name or otherwise.

Date: _____

Affiant (Officer/ Corporate Position)

Name: _____

Signature: _____

ATTACHMENT E
SBREFA FACT SHEET



FACT SHEET

WHAT SMALL ENTITIES SHOULD KNOW ABOUT EPA AND THE SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT

Why should I be interested in RFA/SBREFA?

EPA has an ongoing commitment to minimize the burden of our regulations on small entities to the extent we can while still meeting our statutory requirements. The Regulatory Flexibility Act (RFA), as amended by Small Business Regulatory Enforcement Fairness Act (SBREFA), provides small entities with an expanded opportunity to participate in the development of certain regulations.

What is SBREFA?

SBREFA was signed into law on March 29, 1996, and contains five distinct sections:

- **Subtitle A—Regulatory Compliance Simplification:** Among other things, requires the agency to publish Small Entity Compliance Guides that are written in plain language and explain the actions a small entity must take to comply with a rule or group of rules.
- **Subtitle B—Regulatory Enforcement Reforms:** Requires agencies to support the rights of small entities in enforcement actions, specifically providing for the reduction, and in certain cases, the waiver of civil penalties for violations by small entities.
- **Subtitle C—Equal Access to Justice:** Provides small businesses with expanded authority to go to court to be awarded attorneys' fees and costs when an agency has been found to be excessive in enforcement of federal regulations.
- **Subtitle D—Regulatory Flexibility Act Amendments:** Provides small entities with expanded opportunities to participate in the development of certain regulations.
- **Subtitle E—Congressional Review of Agency Rulemaking:** Agencies generally must provide Congress and the General Accounting Office with copies of all final rules and supporting analyses. Congress may decide not to allow a rule to take effect.

How does SBREFA affect EPA rulemaking?

SBREFA established certain formal procedural and analytical requirements (outlined below) for rules with the potential to impose a significant economic impact on a substantial number of small entities. But EPA also considers the concerns of small entities in the more frequent cases where impacts on small entities are more modest, even though SBREFA doesn't require it.

What does RFA/SBREFA require for proposed rules?

Initial Regulatory Flexibility Analysis. Generally, the RFA requires EPA to prepare an Initial Regulatory Flexibility Analysis (IRFA) for each proposed rule unless the rule will not have a significant economic impact on a substantial number of small entities. A regulatory flexibility analysis examines the type and number of small entities potentially subject to the rule, recordkeeping and compliance requirements, and significant regulatory alternatives, among other things.

Small Business Advocacy Review Panel. When an IRFA is required, EPA must also convene a Small Business Advocacy Review Panel before proposing a rule. EPA's Small Business Advocacy Chair convenes each Panel, which includes representatives from the Small Business Administration, the Office of Management and Budget, and EPA. A Panel conducts its own outreach to Small Entity Representatives likely to be subject to the rule and prepares a report to the Administrator of EPA on ways to reduce the potential impact of the rule on small entities. Each Panel's report becomes part of the rulemaking record for the proposed rule.

What does RFA/ SBREFA require for final rules?

Final Regulatory Flexibility Analysis. When EPA issues a rule that may have a significant impact on a substantial number of small entities, we must prepare a Final Regulatory Flexibility Analysis (FRFA). The elements of a FRFA are similar to those of an IRFA, outlined above. In addition, each FRFA must summarize the significant issues raised by public comments on the IRFA, assess these issues, and describe any changes made in response to the comments.

Small Entity Compliance Guide. When a FRFA is required, EPA must also publish Small Entity Compliance Guides that are written in plain language and explain the actions a small entity must take to comply with a rule or group of rules.

What is the progress to date?

- EPA has completed over 26 SBAR Panels in cooperation with SBA and OMB. In each case, the Panel recommended changes to the rule that would reduce impacts on small entities.
- In July 2000, EPA launched a new RFA/SBREFA website: www.epa.gov/sbrefa. The primary purpose of the site is to provide public access to information and documents produced for, or directly related to, the Agency's implementation of SBREFA.
- Small Entity Compliance Guides are available on the RFA/SBREFA website.
- In March 1998, EPA delivered to Congress reports on SBREFA Section 223 - Penalty Reduction Program for Small Entities and SBREFA Section 213 - Informal Guidance Program. These reports are also available from the SBAC staff or from the RFA/SBREFA website.
- To date, EPA has submitted over 4,300 documents to Congress under the Congressional Review Act.

Where can I get more information?

For more information on EPA's small business activities, check out www.epa.gov/smallbusiness. This webpage provides information on environmental technical assistance, environmental laws and regulations and financial assistance. You should also check EPA's RFA/SBREFA Website at www.epa.gov/sbrefa to find documents related to RFA/SBREFA and links to other sites of interest to small entities. Or contact:

Small Business Advocacy Chair

Alexander Cristofaro

Small Business Advocacy Chair Staff

Joan Crawford, Team Leader

(202) 564-6568, crawford.joan@epa.gov

Patrick Easter

(202) 564-6566, easter.patrick@epa.gov

Jennifer Vernon

(202) 564-6573, vernon.jennifer@epa.gov

Mark Wilson

(202) 566-0356, wilson.mark@epa.gov

RFA/SBREFA Website

www.epa.gov/sbrefa

ATTACHMENT C

Notice of Inadequate Response, dated April 2, 2010



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SITE:
BREAK:
OTHER:

Ore Knob
11.9
V34

APR 02 2010

40EA

NOTICE OF INADEQUATE RESPONSE
URGENT LEGAL MATTER - PROMPT REPLY REQUIRED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Derek Nevada Reeves
534-D Highway 194 South
West Jefferson, North Carolina 28694

Re: Request for Information Pursuant to Section 104(e) of CERCLA for
the Ore Knob Mine Superfund Site, Jefferson, Ashe County, North Carolina

Dear Mr. Reeves:

On February 8, 2010, you were sent a General Notice and Information Request Letter pursuant Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, via certified mail requesting information and documents regarding the Ore Knob Mine Superfund Site in Jefferson, Ashe County, North Carolina, which are attached hereto as Exhibit 1. According to the return receipt, you received the letter on February 20, 2010 (see Exhibit 2). Your response to the Information Request was due within thirty (30) days of your receipt of the letter, on March 22, 2010.

According to EPA records, you have not provided a response to the February 8, 2010 Information Request Letter. EPA still expects you to respond to its Information Request. The purpose of this letter is to notify you that you have failed to provide an adequate response within the allotted time.

Pursuant to the authority of CERCLA Section 104, you were, and still are required to respond fully and truthfully to the February 8, 2010 Information Request Letter within a given period of time. Failure to do so, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended, and Section 3008(a) of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. § 6928(a). Each of these statutes permits EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) for each day of continued noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject you to criminal penalties.



10758933

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

The U. S. Environmental Protection Agency urges you to give this matter your immediate attention. **If you do not provide a complete and truthful response immediately, and no later than April 16, 2010, EPA plans to begin the administrative procedures necessary to impose upon you the statutory fines described above.**

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, *et seq.*

Your response to this Information Request should be mailed to me at:

Suzanne K. Armor
Assistant Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

If you have any questions about this letter, you may contact me by phone at (404) 562-9701.

Sincerely,

A handwritten signature in black ink, appearing to read 'Suzanne K. Armor', with a stylized, cursive script.

Suzanne K. Armor
Assistant Regional Counsel
Office of Environmental Accountability

Enclosures

1. Cover letter and General Notice and Information Request Letter, dated February 8, 2010
2. Certified mail return receipt, dated February 20, 2010

EXHIBIT 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
81 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 8 2010

GENERAL NOTICE LETTER AND
INFORMATION REQUEST
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL; RETURN RECEIPT REQUESTED

Derek Nevada Reeves
504 Highway 194 South
West Jefferson, North Carolina 28694

Re: General Notice Letter and Information Request Pursuant to CERCLA Section 104(e) for the Ore Knob Mine Superfund Site, Jefferson, Ashe County, North Carolina

Dear Mr. Reeves:

The purpose of this letter is twofold. First, this letter notifies you of the potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), that you may have incurred with respect to the Ore Knob Mine Superfund Site ("Site") located near Jefferson, Ashe County, North Carolina. Second, pursuant to the authority of Section 104 of CERCLA, 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Attachment A, attached hereto.

Under CERCLA, commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency ("EPA") is responsible for responding to the release or threat of release of hazardous substances, pollutants, or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that you may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

Site Description

The Site encompasses approximately 165 acres, and is located in Ashe County, North Carolina, approximately 12 miles south of the Virginia state line, 45 miles southeast of Bristol, Tennessee, and eight miles east of the town of Jefferson, North Carolina, as depicted generally on the map attached as Attachment B hereto. The Site contains areas affected by mining, including three principal areas that were directly affected by mining along with other areas, primarily downstream, where hazardous substances have come to be located. The three principal areas include the 1950s Mine and Mill Area, the 19th Century Operations Area, and the Main Tailings Impoundment.

The 1950s Mine and Mill Area comprises 15 acres and is located northwest of the intersection of Ore Knob Road and Little Peak Creek Road, just north of Highway 88. This area contains derelict ore bins, concrete mill foundations, a transformer building, other ruins, a small sawmill currently in operation, two acres with about 10,000 cubic yards of tailings – now mostly covered with stumps, and a two-acre former pond where process water was stored. Little Peak Creek starts just upstream of the former pond, flows through the former pond, and discharges into Peak Creek 2.5 miles downstream.

The 19th Century Operations Area and the Main Tailings Impoundment are located across Little Peak Creek Road, at the end of Ore Knob Mine Road. The 19th Century Operations Area includes a series of barren and nearly barren stretches of land (totaling about five acres) near the top of Ore Knob that contain waste rock dumps from at least 11 mine shafts as well as locations where ore was roasted to drive off sulfur and smelted to recover copper. These waste materials occur in upland areas and are subject to erosion and downslope transport.

The Main Tailings Impoundment is located about 0.3 miles northeast of the 19th Century Operations Area, covers approximately 20 acres, and is estimated to contain 720,000 cubic yards of tailings. Tailings are the waste material left over after minerals have been extracted from ore mined at the Site. The tailings are strongly acid-generating and the average sample is characterized by high concentrations of numerous metals, including copper, zinc, arsenic, and mercury. Notably, the Tailings Impoundment is mostly barren of vegetation.

At the end of the Tailings Impoundment is a dam about 60 feet high and 700 feet wide. The dam has been subjected to severe erosion and water emanates from the dam in several places. The face of the dam is deeply incised and erodes directly into a creek. The creek, the Ore Knob Branch, is piped underneath the Tailings Impoundment through a 24-inch pipe that exits the bottom of the dam face. The pipe discharges into a sediment pond that was full and did not have adequate space to contain the sediment and other precipitates from continuing down Ore Knob Branch. In addition, tailings slumped over the dam face and have at least partially blocked the pipe, causing water to back up into the Tailings Impoundment and seep through the dam face. In addition, the upper end of the pipe is known to become blocked.

Explanation of Potential Liability

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, EPA believes that you may be liable under Section 107(a) of CERCLA with respect to the Site, as a current or previous owner and/or operator of the Site. Specifically, EPA has reason to believe that you are the current owner of a parcel of land known as Ashe County Tax Parcel No. 14408-029-12A, which contains a portion of contamination from the 1950s Mine and Mill Site.

To date, EPA has taken the following response activities at the Site under the authority of CERCLA (also known as the "Superfund Program"):

- A Removal Site Visit and Evaluation on August 23, 2006, in order to gain a basic understanding of risks posed to human health and/or the environment by releases or threatened releases from the Site, and the need for a Time Critical Removal Action;
- Collection and analysis of data for an Expanded Site Inspection in July 2007 to evaluate the risks posed by releases or threatened releases from the Site, and preparation of an Expanded Site Inspection Report in September 2008;
- Issuance of a Removal Action Memorandum on September 15, 2008, authorizing the Superfund Program to conduct a Time Critical Removal Action at the Tailings Impoundment;
- Completion of a geotechnical stability analysis and slope stability analysis of the Tailings Impoundment dam face by the United States Bureau of Reclamation;
- Excavation of approximately 16,000 cubic yards of tailings from the Tailings Impoundment sediment pond to obtain necessary freeboard in the pond;
- Construction of an approximately 2400-foot-long, 20-foot wide diversion channel that will direct stormwater around the Tailings Impoundment to minimize erosion of the dam face and acid-mine drainage;
- Filling of four ponds in the vicinity of the Tailings Impoundment to reduce surface water erosion;
- Refacing of the Tailings Impoundment dam face;

- Preparation of a Hazard Ranking System (HRS) evaluation to assess the potential risks to human health and the environment posed by releases or threatened releases from the Site; and
- Proposed the Site to the National Priorities List (NPL) on April 9, 2009, with final listing on the NPL on September 23, 2009.

EPA expects to perform additional removal and remedial activities at the Site, including, but not limited to, capping the Tailings Impoundment and cleaning up the 1950s Mine and Mill Site and 19th Century Operations Areas.

Financial Concerns/Ability to Pay Settlements

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within that category, please complete one or both of the attached questionnaires: the Individual Ability to Pay Claim Financial Data Form (attached hereto as Attachment C); or Financial Statement of Corporate Debtor (attached hereto as Attachment D). If EPA concludes that you have a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that, because EPA has a potential claim against you, you must include EPA as a creditor if you file for bankruptcy.

Information Request

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request enclosed as Attachment A to this letter.

Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter, or to adequately justify failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended. This statute permits EPA to seek the imposition of penalties of up to thirty-seven thousand, five hundred dollars (\$37,500) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(d).

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*

Your responses to this Information Request should be mailed to:

Suzanne K. Armor, Associate Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Information to Assist You

EPA would like to encourage communication between you, other PRPs, and EPA at the Site. To assist you in your efforts to communicate, below is a list of names and addresses of those PRPs who have already received general notice letters:

Copper Range Company
c/o Mr. Randall Vickery, Esq.
Freeborn & Peters, LLP
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

Mr. Herbert N. Francis
c/o Mr. F. Bryan Brice, Jr., Esq.
Law Offices of F. Bryan Brice, Jr.
19 West Hargett Street, Suite 600
Raleigh, North Carolina 27601

The Marsh Foundation
c/o Mr. William W. Toole, Esq.
Robinson Bradshaw & Hinson
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246

Mr. and Mrs. Thomas and Evelyn Reeves
c/o Mr. William W. Toole, Esq.
Robinson Bradshaw & Hinson
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246

Mr. and Mrs. William and Libby Reeves
c/o Mr. William W. Toole, Esq.
Robinson Bradshaw & Hinson
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246

Administrative Record

EPA has established an Administrative Record that contains documents that serve as the basis for EPA's selection of a cleanup action for the Site. The Administrative Record is located at the Ashe County Library, 148 Library Drive, West Jefferson, North Carolina, and is available to you and the public for inspection. The Administrative Record is also available for inspection at the Superfund Records Center, EPA Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia.

Resources and Information for Small Businesses

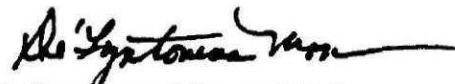
As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosp/bf/sblrbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at <http://www.epa.gov>. In addition, the EPA Small Business Ombudsman may be contacted at <http://www.epa.gov/sbo>. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed as Attachment E to this letter.

Due to the seriousness of the problems at the Site and the legal ramifications of a failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to the Information Request within the time specified above. If you have any questions relating to the Information Request, you may consult with EPA prior to the time specified above. Please direct any legal questions to Suzanne Armor, Associate Regional Counsel, at (404) 562-9701, and general questions to Karen Coleman, Enforcement Project Manager, at (404) 562-8853. Technical questions concerning the cleanup activities should be directed to Terrence Byrd, On-Scene Coordinator, at (404) 562-8755.

Thank you for your prompt attention to this matter.

Sincerely,



De'Lynoneus Moore, Chief
Superfund Removal Enforcement &
Information Management Section
Superfund Division

Enclosures (5)

cc: **Dexter Matthews, Director**
NCDENR Division of Waste Management

W. Wallace Finlator, Jr., Esq.
NCDOJ

ATTACHMENT A

INFORMATION REQUEST

PURSUANT TO CERCLA SECTION 104(E), 42 U.S.C. § 9604(E)

INFORMATION REQUEST

Instructions

1. **Answer Every Question Completely.**

A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.

2. **Number Each Answer.**

Precede each answer with the corresponding number of the question and the subpart to which it corresponds.

3. **Provide the Best Information Available.**

Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliant with this Information Request.

4. **Identify the Sources of Each Answer.**

For each and every question contained herein, identify (see Definitions) all persons consulted in the preparation of the answer. Also identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question and provide true and accurate copies of all such documents.

5. **Abide By Your Continuing Obligation to Provide/Correct Information.**

If additional information or documents responsive to this Information Request become known or available to you after you respond to this Information Request, EPA hereby requests pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) Section 104(e), 42 U.S.C. Section 9604(e), that you supplement your response to EPA.

6. Understand How to Request Confidential Treatment of Your Information.

The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. The portions of the information alleged to be entitled to confidential treatment;
- b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. Measures taken by you to guard against the undesired disclosure of the information to others;
- d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Be Aware of Potential Disclosure to EPA Contractors.

Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. Section 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

8. Mark Any Personal Privacy Information.

Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Answer Despite Objections to Questions.

If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

A. The term "you" shall mean the addressee of this request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

B. The term "person" shall include any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

C. The term "Site" shall mean the Ore Knob Mine Superfund Site located near Jefferson, Ashe County, North Carolina and generally shown on the Map attached hereto as Attachment B, and any of the parcels of real estate that make up the Site, including, but not limited to, Parcels 12, 12A, and 12B, also known as Ashe County Tax Parcels 14408-029-12, 14408-029-12A, and 14408-029-12B.

D. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

E. The term "contamination" shall include, but not be limited to, hazardous substances, plus any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction), or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

F. The term "identify" means:

- i. With respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with title, position, and business.
- ii. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), to provide: (a) its full name; (b) address; and (c) affiliation with the individual and/or company to whom/which this request is addressed.
- iii. With respect to a document, to provide: (a) its customary business description; (b) its date; (c) its number, if any (invoice or purchase order number); (d) the identity of the author, addressor, addressee and/or recipient; and (e) the substance or the subject matter.

G. The term "company" shall mean any business entity, however formally or informally organized, which has ever existed, regardless of its current status.

H. The term "documents" includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies. These may include by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (1) every copy of each document which is not an exact duplicate of a document which it produces, (2) every copy which has any writing, figure or notation, annotation or the like on it, (3) drafts, (4) attachments to or enclosures with any document, and (5) every document referred to in any other document.

I. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

J. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Supplemental Information Request any information which might otherwise be construed to be outside its scope.

K. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

QUESTIONS

You and Your Company

1. Identify the person(s) authorized to discuss this Site with EPA by:
 - a. Full name and title;
 - b. Mailing address and physical address; and
 - c. Daytime telephone number.

Ownership of the Site

2. Identify any legal or equitable interest that you now have, or previously had at the Site. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained; and when, how, and to whom such interest was conveyed. In addition, submit copies of all instruments evidencing the acquisition or conveyance of such interest.
3. If you are the current owner and/or current operator, did you acquire or operate the Site or any portion of the Site after the disposal or placement of hazardous substances on, or at the Site? Describe all of the facts on which you base the answer to the preceding question.
4. At the time you acquired or operated the Site, did you know or have reason to know that any hazardous substance was disposed of on, or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question.
5. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.
6. Did you ever use, purchase, generate, store, treat, dispose, or otherwise handle at the Site any hazardous substances? If the answer to the preceding question is anything but an unqualified "no," identify:
 - a. In general terms, the nature and quantity of the non-hazardous substances so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
 - b. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
 - c. The persons who supplied you with each such hazardous substance.

- d. How each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.
- e. When each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.
- f. Where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.
- g. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.

Relevant Affiliations

- 7. If you have conducted business or have an affiliation with any of the following, please describe the nature of that business or affiliation, the individuals or companies involved, and the time period during which the business was transacted:
 - a. Copper Range Company, a Delaware corporation;
 - b. Herbert N. Francis;
 - c. Thomas and Evelyn Reeves;
 - d. William and Libby Reeves.

Insurance Coverage

- 8. Please list all agreements or contracts, including but not limited to insurance policies, which may indemnify you or your company with respect to any costs that you may have to pay due to EPA's response action conducted at the Site. Provide a copy of each such agreement, contract, or insurance policy.

Other Sources of Information

- 9. Are there any persons, other than those you have already identified, who are or were associated with you or your company, who may be better able to answer any of these questions? If so, please provide those persons' names, current mailing addresses, and current telephone numbers.
- 10. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide the following:
 - a. Your or your company's document retention policy;

- b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
- c. A description of the type of information that would have been contained in the documents;
- d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and
- e. The names and most current address of any person(s) who may possess documents relevant to this inquiry.

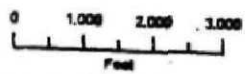
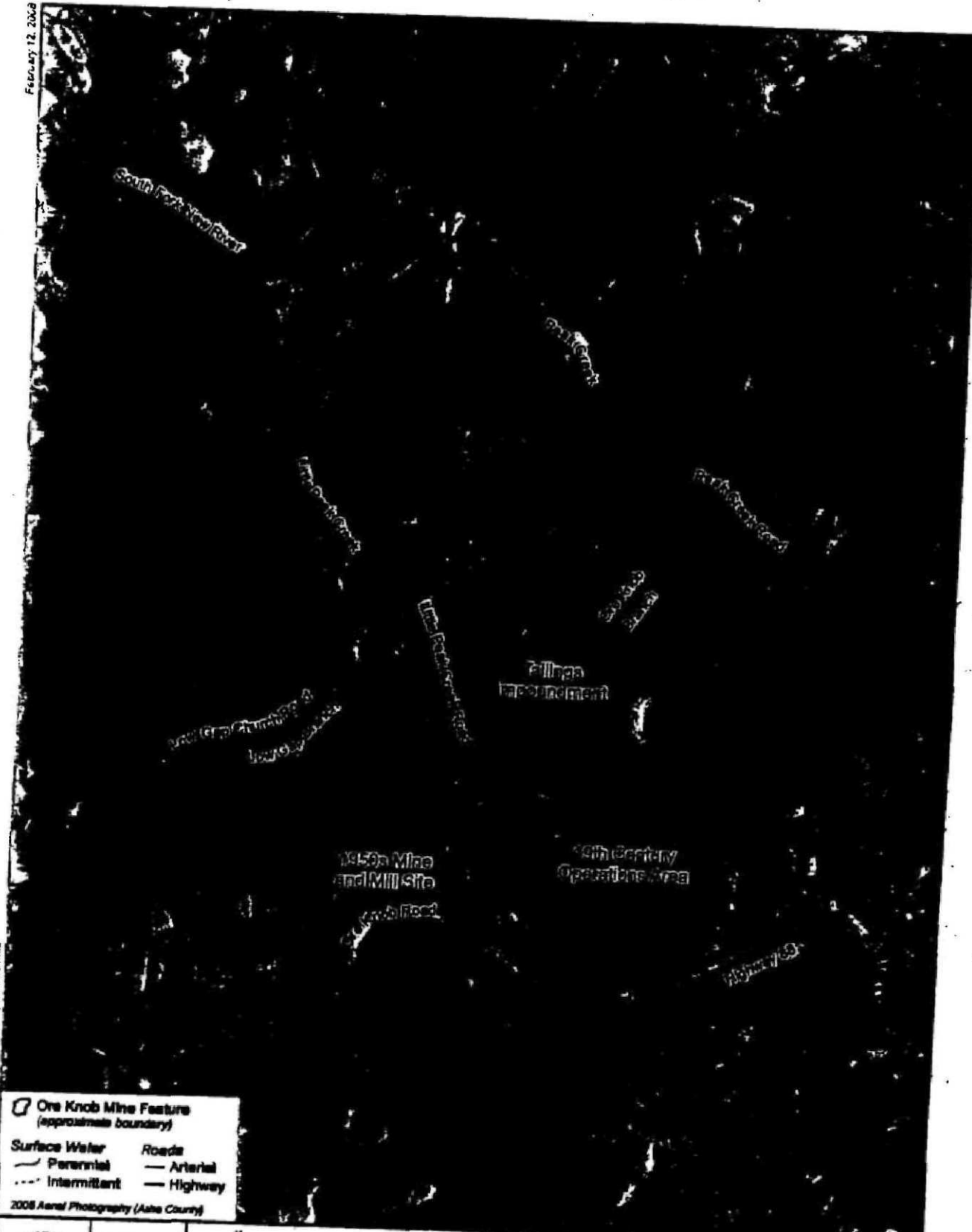
END

ATTACHMENT B

MAP OF THE ORE KNOB MINE SUPERFUND SITE

February 12, 2008

PROJECT: Ore Knob Mine Site Study Areas 021208.mxd



NAD 1983 State Plane North Carolina FIPS 3200 (feet)

FIGURE 2-1
Ore Knob Former Mine Site Study Areas
and Downstream Receiving Waters

February 12, 2008

PROJECT: GIS Data for Ore Knob Mine (Map) (Data) (Figure 2-3) Historical Site 021208.mxd

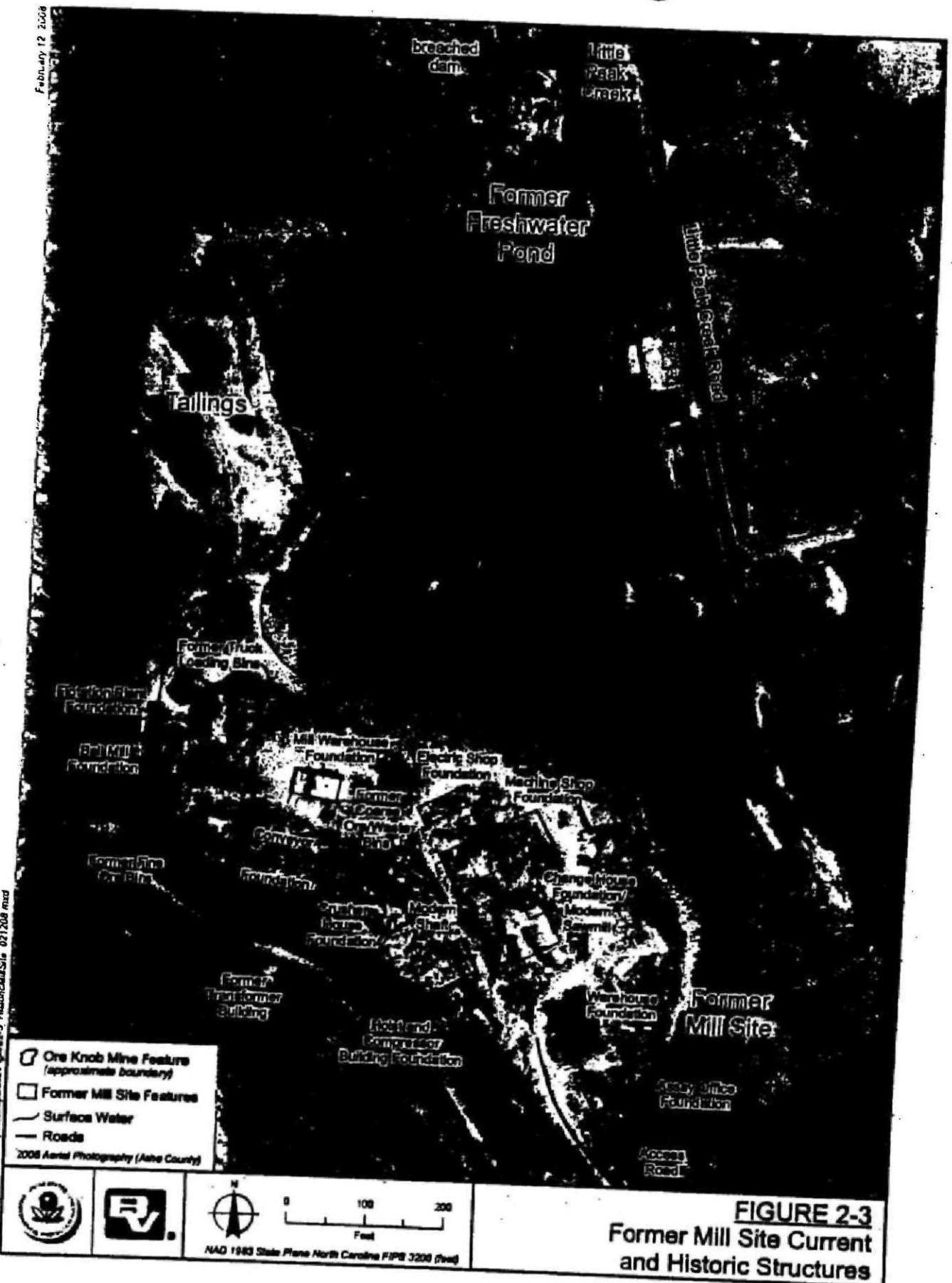


FIGURE 2-3
Former Mill Site Current and Historic Structures

ATTACHMENT C

**INDIVIDUAL ABILITY TO PAY CLAIM
FINANCIAL DATA REQUEST FORM**

ATTACHMENT D

FINANCIAL STATEMENT OF A CORPORATE DEBTOR

ATTACHMENT E
SBREFA FACT SHEET

EXHIBIT 2



UNITED STATES ENVIRONMENTAL
REGION 4
ATLANTA FEDERAL CI
61 FORSYTH STRE
ATLANTA, GEORGIA 303

FEB 8 2010

**GENERAL NOTICE LETTER AND
INFORMATION REQUEST
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUEST**

Derek Nevada Reeves
504 Highway 194 South
West Jefferson, North Carolina 28694

Re: General Notice Letter and Information Re-
104(e) for the Ore Knob Mine Superfund
Carolina

Dear Mr. Reeves:

The purpose of this letter is twofold. First, this letter notifies you of the potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), that you may have incurred with respect to the Ore Knob Mine Superfund Site ("Site") located near Jefferson, Ashe County, North Carolina. Second, pursuant to the authority of Section 104 of CERCLA, 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Attachment A, attached hereto.

Under CERCLA, commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency ("EPA") is responsible for responding to the release or threat of release of hazardous substances, pollutants, or contaminants into the environment - that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that you may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

SENDER COPY: IT 104(e) SECTION

1. Article Addressed to:
- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
 - Print your name and address on the reverse so that we can return the card to you.
 - Attach this card to the back of the mailpiece, or on the front if space permits.

506
Derek Nevada Reeves
504 Highway 194 South
West Jefferson, NC 28694

2. Article Number:
(Transfer from address label)

Domestic Return Receipt

7005 2570 0001 4902 3447

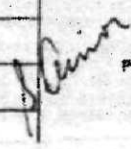
3. Service Type	
<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Registered Mail
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Restricted Delivery	<input type="checkbox"/> Signature Required
4. Restricted Delivery Extra Fee	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
5. Delivery Address Different from Item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If YES, enter delivery address below:	
6. Date of Delivery	
7. Signature of Addressee	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>Derek Reeves</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Dereck Nevada Reeves 534 D Hwy. 194 South West Jefferson, NC 28694</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7005 2570 0001 4902 3436</p>			
PS Form 3811, February 2004		Domestic Return Receipt 102505-02-M-1540	

U.S. Postal Service[®]
CERTIFIED MAIL[®] RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL USE

Postage \$		Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage		
Sent to: Derek Nevada Reeves		
534 D Hwy. 194 South		
West Jefferson, NC 28694		
Street, Apt. No., or PO Box No. City, State, ZIP+4		

PS Form 3808, June 2002 See Reverse for Instructions

ATTACHMENT D

Second Notice of Inadequate Response, dated April 27, 2010



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 27 2010

40EA

SECOND NOTICE OF INADEQUATE RESPONSE
URGENT LEGAL MATTER - PROMPT REPLY REQUIRED
VIA UNITED POSTAL SERVICE

Parcel

Derek Nevada Reeves
613 Edmonds Road
Galax, Virginia 24333

Re: Request for Information Pursuant to Section 104(e) of CERCLA for
the Ore Knob Mine Superfund Site, Jefferson, Ashe County, North Carolina

Dear Mr. Reeves:

On February 8, 2010, the United States Environmental Protection Agency (EPA) sent you a General Notice and Information Request Letter pursuant Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, via certified mail requesting information and documents regarding the Ore Knob Mine Superfund Site in Jefferson, Ashe County, North Carolina, which are attached hereto as Exhibit 1. According to the return receipt, you received the Information Request Letter on February 20, 2010 (see Exhibit 2). Your response to the Information Request was due within thirty (30) days of your receipt of the letter, on March 22, 2010. According to EPA records, you did not provided a response to the February 8, 2010 Information Request Letter.

On April 2, 2010, EPA sent you a Notice of Inadequate Response via certified mail informing you of your failure to respond to the February 8, 2010 Information Request Letter, attached hereto as Exhibit 3. Pursuant to the Notice of Inadequate Response, you were required to respond fully and truthfully to the Information Request no later than April 16, 2010. According to the return receipt, you received the Notice of Inadequate Response on April 8, 2010 (see Exhibit 4). According to EPA records, you still have not provided a response to the February 8, 2010 Information Request Letter, nor have you contacted EPA to provide a justification for your failure to respond.

EPA still expects you to respond to its Information Request. The purpose of this letter is to notify you that you have failed to provide an adequate response within the allotted time. Pursuant to the authority of CERCLA Section 104, you were, and still are required to respond fully and truthfully to the February 8, 2010 Information Request Letter within a given period of time. Failure to do so, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended, and Section 3008(a) of the

Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. § 6928(a).. Each of these statutes permits EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) for each day of continued noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject you to criminal penalties.

The U. S. Environmental Protection Agency urges you to give this matter your immediate attention. **If you do not provide a complete and truthful response immediately, and no later than May 7, 2010, EPA plans to begin the administrative procedures necessary to impose upon you the statutory fines described above.**

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*

Your response to this Information Request should be mailed to me at:

Suzanne K. Armor
Assistant Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

If you have any questions about the Information Request, the Notice of Inadequate Response, or this Notice of Noncompliance, you may contact me by phone at (404) 562-9701.

Sincerely,



Suzanne K. Armor
Assistant Regional Counsel
Office of Environmental Accountability

Enclosures

1. Cover letter and General Notice and Information Request Letter, dated February 8, 2010
2. Certified mail return receipt, dated February 20, 2010
3. Notice of Inadequate Response, dated April 2, 2010
4. Certified mail return receipt, dated April 8, 2010

EXHIBIT 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
81 FORSYTH STREET
ATLANTA, GEORGIA 30303-8900

FEB 9 2010

GENERAL NOTICE LETTER AND
INFORMATION REQUEST
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Derek Nevada Reeves
504 Highway 194 South
West Jefferson, North Carolina 28694

Re: General Notice Letter and Information Request Pursuant to CERCLA Section 104(e) for the Ore Knob Mine Superfund Site, Jefferson, Ashe County, North Carolina

Dear Mr. Reeves:

The purpose of this letter is twofold. First, this letter notifies you of the potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), that you may have incurred with respect to the Ore Knob Mine Superfund Site ("Site") located near Jefferson, Ashe County, North Carolina. Second, pursuant to the authority of Section 104 of CERCLA, 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Attachment A, attached hereto.

Under CERCLA, commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency ("EPA") is responsible for responding to the release or threat of release of hazardous substances, pollutants, or contaminants into the environment - that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that you may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

Site Description

The Site encompasses approximately 165 acres, and is located in Ashe County, North Carolina, approximately 12 miles south of the Virginia state line, 45 miles southeast of Bristol, Tennessee, and eight miles east of the town of Jefferson, North Carolina, as depicted generally on the map attached as Attachment B hereto. The Site contains areas affected by mining, including three principal areas that were directly affected by mining along with other areas, primarily downstream, where hazardous substances have come to be located. The three principal areas include the 1950s Mine and Mill Area, the 19th Century Operations Area, and the Main Tailings Impoundment.

The 1950s Mine and Mill Area comprises 15 acres and is located northwest of the intersection of Ore Knob Road and Little Peak Creek Road, just north of Highway 88. This area contains derelict ore bins, concrete mill foundations, a transformer building, other ruins, a small sawmill currently in operation, two acres with about 10,000 cubic yards of tailings - now mostly covered with stumps, and a two-acre former pond where process water was stored. Little Peak Creek starts just upstream of the former pond, flows through the former pond, and discharges into Peak Creek 2.5 miles downstream.

The 19th Century Operations Area and the Main Tailings Impoundment are located across Little Peak Creek Road, at the end of Ore Knob Mine Road. The 19th Century Operations Area includes a series of barren and nearly barren stretches of land (totaling about five acres) near the top of Ore Knob that contain waste rock dumps from at least 11 mine shafts as well as locations where ore was roasted to drive off sulfur and smelted to recover copper. These waste materials occur in upland areas and are subject to erosion and downslope transport.

The Main Tailings Impoundment is located about 0.3 miles northeast of the 19th Century Operations Area, covers approximately 20 acres, and is estimated to contain 720,000 cubic yards of tailings. Tailings are the waste material left over after minerals have been extracted from ore mined at the Site. The tailings are strongly acid-generating and the average sample is characterized by high concentrations of numerous metals, including copper, zinc, arsenic, and mercury. Notably, the Tailings Impoundment is mostly barren of vegetation.

At the end of the Tailings Impoundment is a dam about 60 feet high and 700 feet wide. The dam has been subjected to severe erosion and water emanates from the dam in several places. The face of the dam is deeply incised and erodes directly into a creek. The creek, the Ore Knob Branch, is piped underneath the Tailings Impoundment through a 24-inch pipe that exits the bottom of the dam face. The pipe discharges into a sediment pond that was full and did not have adequate space to contain the sediment and other precipitates from continuing down Ore Knob Branch. In addition, tailings slumped over the dam face and have at least partially blocked the pipe, causing water to back up into the Tailings Impoundment and seep through the dam face. In addition, the upper end of the pipe is known to become blocked.

Explanation of Potential Liability

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, EPA believes that you may be liable under Section 107(a) of CERCLA with respect to the Site, as a current or previous owner and/or operator of the Site. Specifically, EPA has reason to believe that you are the current owner of a parcel of land known as Ashe County Tax Parcel No. 14408-029-12A, which contains a portion of contamination from the 1950s Mine and Mill Site.

To date, EPA has taken the following response activities at the Site under the authority of CERCLA (also known as the "Superfund Program"):

- A Removal Site Visit and Evaluation on August 23, 2006, in order to gain a basic understanding of risks posed to human health and/or the environment by releases or threatened releases from the Site, and the need for a Time Critical Removal Action;
- Collection and analysis of data for an Expanded Site Inspection in July 2007 to evaluate the risks posed by releases or threatened releases from the Site, and preparation of an Expanded Site Inspection Report in September 2008;
- Issuance of a Removal Action Memorandum on September 15, 2008, authorizing the Superfund Program to conduct a Time Critical Removal Action at the Tailings Impoundment;
- Completion of a geotechnical stability analysis and slope stability analysis of the Tailings Impoundment dam face by the United States Bureau of Reclamation;
- Excavation of approximately 16,000 cubic yards of tailings from the Tailings Impoundment sediment pond to obtain necessary freeboard in the pond;
- Construction of an approximately 2400-foot-long, 20-foot wide diversion channel that will direct stormwater around the Tailings Impoundment to minimize erosion of the dam face and acid-mine drainage;
- Filling of four ponds in the vicinity of the Tailings Impoundment to reduce surface water erosion;
- Refacing of the Tailings Impoundment dam face;

- Preparation of a Hazard Ranking System (HRS) evaluation to assess the potential risks to human health and the environment posed by releases or threatened releases from the Site; and
- Proposed the Site to the National Priorities List (NPL) on April 9, 2009, with final listing on the NPL on September 23, 2009.

EPA expects to perform additional removal and remedial activities at the Site, including, but not limited to, capping the Tailings Impoundment and cleaning up the 1950s Mine and Mill Site and 19th Century Operations Areas.

Financial Concerns/Ability to Pay Settlements

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within that category, please complete one or both of the attached questionnaires: the Individual Ability to Pay Claims Financial Data Form (attached hereto as Attachment C); or Financial Statement of Corporate Debtor (attached hereto as Attachment D). If EPA concludes that you have a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that, because EPA has a potential claim against you, you must include EPA as a creditor if you file for bankruptcy.

Information Request

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request enclosed as Attachment A to this letter.

Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter, or to adequately justify failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended. This statute permits EPA to seek the imposition of penalties of up to thirty-seven thousand, five hundred dollars (\$37,500) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(d).

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*

Your responses to this Information Request should be mailed to:

Suzanne K. Armor, Associate Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Information to Assist You

We would like to encourage communication between you, other PRPs, and EPA at the Site. To assist you in your efforts to communicate, below is a list of names and addresses of those PRPs who have already received general notice letters:

Cummins Engine Company
c/o Mr. Randall Vickery, Jr.
Forness & Peters, LLP
3100 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6600

Mr. Herbert N. Francis
c/o Mr. F. Bryan Brice, Jr., Esq.
Law Offices of F. Bryan Brice, Jr.
180 West Hargett Street, Suite 500
Raleigh, North Carolina 27601

The Marsh Foundation
c/o Mr. William W. Toole, Esq.
Robinson Bradshaw & Hinson
100 North Tryon Street, Suite 1900
Charlotte, North Carolina 28206

Mr. and Mrs. Thomas and Evelyn Reeves
c/o Mr. William W. Toole, Esq.
Robinson Bradshaw & Hinson
100 North Tryon Street, Suite 1900
Charlotte, North Carolina 28206

Mr. and Mrs. William and Libby Reeves
c/o Mr. William W. Toole, Esq.
Robinson Bradshaw & Hinson
100 North Tryon Street, Suite 1900
Charlotte, North Carolina 28206

Administrative Record

EPA has established an Administrative Record that contains documents that serve as the basis for EPA's selection of a cleanup action for the Site. The Administrative Record is located at the Ashe County Library, 148 Library Drive, West Jefferson, North Carolina, and is available to you and the public for inspection. The Administrative Record is also available for inspection at the Superfund Records Center, EPA Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia.

Resources and Information for Small Businesses

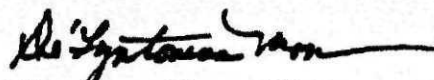
As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/awerospa/bf/sblibra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at <http://www.epa.gov>. In addition, the EPA Small Business Ombudsman may be contacted at <http://www.epa.gov/sbo>. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed as Attachment E to this letter.

Due to the seriousness of the problems at the Site and the legal ramifications of a failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to the Information Request within the time specified above. If you have any questions relating to the Information Request, you may consult with EPA prior to the time specified above. Please direct any legal questions to Suzanne Armor, Associate Regional Counsel, at (404) 562-9701, and general questions to Karen Coleman, Enforcement Project Manager, at (404) 562-8853. Technical questions concerning the cleanup activities should be directed to Terrence Byrd, On-Scene Coordinator, at (404) 562-8753.

Thank you for your prompt attention to this matter.

Sincerely,



De'Lymoneus Moore, Chief
Superfund Removal Enforcement &
Information Management Section
Superfund Division

Enclosures (5)

cc: **Dexter Mathews, Director**
NCDENR Division of Waste Management

W. Wallace Finlator, Jr., Esq.
NCDOJ

ATTACHMENT A

**INFORMATION REQUEST
PURSUANT TO CERCLA SECTION 104(E), 42 U.S.C. § 9604(E)**

INFORMATION REQUEST

Instructions

1. **Answer Every Question Completely.**

A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.

2. **Number Each Answer.**

Precede each answer with the corresponding number of the question and the subpart to which it corresponds.

3. **Provide the Best Information Available.**

Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliant with this Information Request.

4. **Identify the Sources of Each Answer.**

For each and every question contained herein, identify (see Definitions) all persons consulted in the preparation of the answer. Also identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question and provide true and accurate copies of all such documents.

5. **Abide By Your Continuing Obligation to Provide/Correct Information.**

If additional information or documents responsive to this Information Request become known or available to you after you respond to this Information Request, EPA hereby requests pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) Section 104(e), 42 U.S.C. Section 9604(e), that you supplement your response to EPA.

6. Understand How to Request Confidential Treatment of Your Information.

The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. The portions of the information alleged to be entitled to confidential treatment;
- b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. Measures taken by you to guard against the undesired disclosure of the information to others;
- d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and,
- f. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Be Aware of Potential Disclosure to EPA Contractors.

Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. Section 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

8. Mark Any Personal Privacy Information.

Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Answer Despite Objections to Questions.

If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

- A. The term "you" shall mean the addressee of this request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
- B. The term "person" shall include any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
- C. The term "Site" shall mean the Ore Knob Mine Superfund Site located near Jefferson, Ashe County, North Carolina and generally shown on the Map attached hereto as Attachment B, and any of the parcels of real estate that make up the Site, including, but not limited to, Parcels 12, 12A, and 12B, also known as Ashe County Tax Parcels 14408-029-12, 14408-029-12A, and 14408-029-12B.
- D. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

E. The term "contamination" shall include, but not be limited to, hazardous substances, plus any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction), or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

F. The term "identify" means:

i. With respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with title, position, and business.

ii. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), to provide: (a) its full name; (b) address; and (c) affiliation with the individual and/or company to whom/which this request is addressed.

iii. With respect to a document, to provide: (a) its customary business description; (b) its date; (c) its number, if any (invoice or purchase order number); (d) the identity of the author, addressor, addressee and/or recipient; and (e) the substance or the subject matter.

G. The term "company" shall mean any business entity, however formally or informally organized, which has ever existed, regardless of its current status.

H. The term "documents" includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies. These may include by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (1) every copy of each document which is not an exact duplicate of a document which is produced, (2) every copy which has any writing, figure or notation, annotation or the like on it, (3) drafts, (4) attachments to or enclosures with any document, and (5) every document referred to in any other document.

I. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

J. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Supplemental Information Request any information which might otherwise be construed to be outside its scope.

K. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

QUESTIONS

You and Your Company

1. Identify the person(s) authorized to discuss this Site with EPA by:
 - a. Full name and title;
 - b. Mailing address and physical address; and
 - c. Daytime telephone number.

Ownership of the Site

2. Identify any legal or equitable interest that you now have, or previously had at the Site. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained; and when, how, and to whom such interest was conveyed. In addition, submit copies of all instruments evidencing the acquisition or conveyance of such interest.
3. If you are the current owner and/or current operator, did you acquire or operate the Site or any portion of the Site after the disposal or placement of hazardous substances on, or at the Site? Describe all of the facts on which you base the answer to the preceding question.
4. At the time you acquired or operated the Site, did you know or have reason to know that any hazardous substance was disposed of on, or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question.
5. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.
6. Did you ever use, purchase, generate, store, treat, dispose, or otherwise handle at the Site any hazardous substances? If the answer to the preceding question is anything but an unqualified "no," identify:
 - a. In general terms, the nature and quantity of the non-hazardous substances so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
 - b. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
 - c. The persons who supplied you with each such hazardous substance.

- d. How each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.
- e. When each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.
- f. Where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.
- g. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.

Relevant Affiliations

- 7. If you have conducted business or have an affiliation with any of the following, please describe the nature of that business or affiliation, the individuals or companies involved, and the time period during which the business was transacted:
 - a. Copper Range Company, a Delaware corporation;
 - b. Herbert N. Francis;
 - c. Thomas and Evelyn Reeves;
 - d. William and Libby Reeves.

Insurance Coverage

- 8. Please list all agreements or contracts, including but not limited to insurance policies, which may indemnify you or your company with respect to any costs that you may have to pay due to EPA's response action conducted at the Site. Provide a copy of each such agreement, contract, or insurance policy.

Other Sources of Information

- 9. Are there any persons, other than those you have already identified, who are or were associated with you or your company, who may be better able to answer any of these questions? If so, please provide those persons' names, current mailing addresses, and current telephone numbers.
- 10. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide the following:
 - a. Your or your company's document retention policy;

- b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
- c. A description of the type of information that would have been contained in the documents;
- d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and
- e. The names and most current address of any person(s) who may possess documents relevant to this inquiry.

END

ATTACHMENT B

MAP OF THE ORE KNOB MINE SUPERFUND SITE

February 12, 2008

PROJECTS\OreKnob\Report\MapDocs\Figure2-1 StudyAreas_021208.mxd



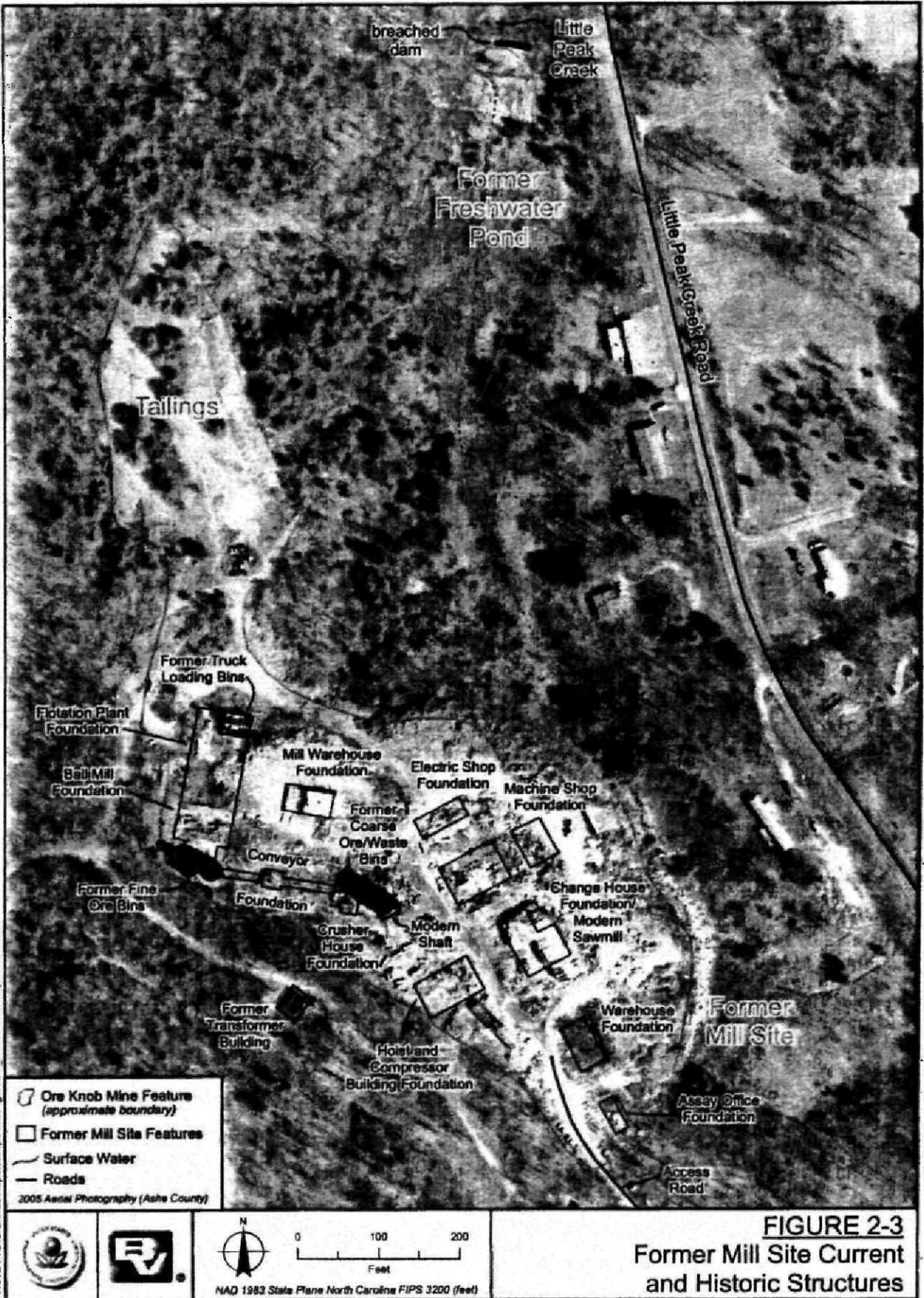


FIGURE 2-3
Former Mill Site Current
and Historic Structures

ATTACHMENT C

**INDIVIDUAL ABILITY TO PAY CLAIM
FINANCIAL DATA REQUEST FORM**



Individual Ability To Pay Claim Financial Data Request Form

This form requests information regarding your financial status. The data will be used to evaluate your ability to pay for environmental cleanup or penalties. If you need more space for your answers, please attach additional sheets of paper. Note that further documentation may be requested for any of your responses. Any other information you wish to provide supporting your case is welcome, particularly if you feel your situation is not adequately described through the information requested here.

Name:
Spouse's Name:
Address:
County of Residence:

PART I. BACKGROUND INFORMATION

1. MEMBERS OF HOUSEHOLD (List the head of the household and all persons living with you)			
Name	Age	Relationship to Head of Household	Currently Employed?

2. EMPLOYMENT (List all jobs held by applicant and spouse.)			
Name	Employer	Length of Employment	Annual Salary

3. INCOME (List all income earned by persons in household. If members of the household other than the applicant and spouse earn income, please itemize on separate page.)

Source	Gross (Pre-Tax)		Period of Payment (check one)			
	Applicant	Spouse	Weekly	Monthly	Quarterly	Yearly
Wages/Salaries						
Sales Commissions						
Investment Income (interest, dividends, capital gains, etc.)						
Net Business Income						
Rental Income						
Retirement Income (Pension, Social Security, etc.)						
Child Support						
Alimony						
Other Income (please itemize)						

PART II. CURRENT LIVING EXPENSES

Please list personal living expenses which were typical during the last year and indicate if any of these values are likely to change significantly in the current year. Please do not include business expenses. If you are the owner of an operating business, please attach any available financial statements.

Expense	Amount	Period of Payment (check one)				For Agency Use Only
		Weekly	Monthly	Quarterly	Yearly	
A. Living Expenses						
1. Rent						
2. Home maintenance						
3. Auto fuel maint./other transp.						
4. Utilities						
a. Fuel (gas,oil,wood,propane)						
b. Electric						
c. Water/sewer						
d. Telephone						
5. Food						
6. Clothing, personal care						
7. Medical costs						
B. Debt Payments						
1. Mortgage payments						
2. Car payments						
3. Credit card payments						
4. Educational loan payments						
C. Insurance						
1. Household insurance						
2. Life insurance						
3. Automobile insurance						
4. Medical insurance						
D. Taxes						
1. Property taxes						
2. Federal income taxes						
3. State income taxes						

4. FICA						
E. Other Expenses						
1. Childcare						
2. Current School tuition/expenses						
3. Legal or professional services						
4. Other (itemize on separate page)						
Total Current Expenses						

PART III. NET WORTH

Please provide the following information to the best of your ability. Data should be as current as possible. Estimates are acceptable; if you wish note such items with an "E". If you are the sole proprietor of a business, please list business assets and liabilities to the extent that the information sought is not already provided in your tax returns, in addition to personal assets and liabilities. Please mark these entries with a "B" to identify them as business assets and liabilities.

1. BANK ACCOUNTS (Checking, NOW, Savings, Money Market, CDs etc.)		
Name of Bank or Credit Union	Type of Account	Current Balance
For Agency Use Only - Total Current Balance in Bank Accounts		

2. INVESTMENTS (Stock, Bonds, Mutual Funds, Options, Futures, Real Estate Investment Trusts (REIT), etc.)

Investment	Number of Shares or Units	Current Market Value

For Agency Use Only - Total Current Market Value of Investments**3. RETIREMENT FUNDS AND ACCOUNTS (IRA, 401(k), Keogh, vested interest in company retirement fund, etc.)**

Description of Account	Estimated Market Value

For Agency Use Only - Total Estimated Market Value of Retirement Funds and Accounts**4. LIFE INSURANCE POLICIES (Whole Life, Universal Life, etc.)**

Policy Holder	Issuing Company	Policy Value	Cash Value

For Agency Use Only - Total Value of Life Insurance Policies

5a. VEHICLES USED FOR COMMUTING PURPOSES (Cars, Trucks, Motorcycles, etc. Only list up to two vehicles used for commuting purposes.)

Model/Year	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Vehicles

5b. OTHER VEHICLES (Cars, Trucks, Motorcycles, Recreational Vehicles, Motor Homes, Boats, Airplanes etc.) Attach separate sheets, if necessary.

Model/Year	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Vehicles

6. PERSONAL PROPERTY (Household Goods and Furniture, Jewelry, Art, Antiques, Collections, Precious Metals, etc. Only list items with a value greater than \$500.00)

Type of Property	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Personal Property

7a. REAL ESTATE — PRIMARY RESIDENCE (Home — List only one such residence.)

Location & Description of Property	Estimated Market Value	Mortgage (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Real Estate

7b. OTHER REAL ESTATE (Land, Buildings, Land with Buildings)

Location & Description of Property	Estimated Market Value	Mortgage (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Real Estate

8. OTHER ASSETS

Type of Asset	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Other Assets

9. CREDIT CARDS AND LINES OF CREDIT		
Credit Card/Line of Credit (Type)	Owed To	Balance Due
For Agency Use Only - Total Balance Due on Credit Cards and Lines of Credit		

10. OTHER DEBT (Amounts due to individuals, Fixed obligations, Taxes Owed, Overdue Alimony or Child Support, etc.)				
Type of Debt	Owed To	Balance Due	Start Date	End Date
For Agency Use Only - Total Balance Due on Other Debt				

PART IV. ADDITIONAL INFORMATION

Please respond to the following questions. For any question that you answer "Yes," please provide additional information on separate pages or at the bottom of this page.

QUESTION		YES	NO
1.	Do you have any reason to believe that your financial situation will change during the next year?		
2.	Are you currently selling or purchasing any real estate?		
3.	Is anyone (or any entity) holding real or personal property on your behalf (e.g. a trust)?		
4.	Do you hold partnership interest in a partnership or own/share ownership in a corporation?		
5.	Are you a party in any pending lawsuit?		
6.	Have any of your belongings been repossessed in the last three years?		
7.	Are you a Grantor, Trustee, Executor, or Administrator? If you are a Grantor, submit copy of trust as well the attachments & schedules.		
8.	Are you a participant or beneficiary of an estate or profit sharing plan?		
9.	Have you declared bankruptcy in the last seven years?		
10	Do you receive any type of federal aid or public assistance?		

VERIFICATION AND AFFIDAVIT

Under penalties of perjury, I declare that this statement of assets, liabilities, and other information is true, correct, and complete to the best of my knowledge and belief. I further understand that I will be subject to prosecution by the U.S. Environmental Protection Agency to the fullest extent possible under the law should I provide any information that is not true, correct, and complete to the best of my knowledge.

Date: _____

Name: _____

Signature: _____

ATTACHMENT D

FINANCIAL STATEMENT OF A CORPORATE DEBTOR



FINANCIAL STATEMENT OF CORPORATE DEBTOR

Submitted for Government
Action on Claims Due
To the United States

(Use Additional Sheets Where Needed)

1. Name (Debtor) _____ Type For Profit ()
Not for Profit ()
2. Business Address
- | | | | |
|--------|------|-------|-----|
| Street | City | State | Zip |
|--------|------|-------|-----|

Note: Attach Schedule of all Business Addresses

3. Foreign _____ Domestic _____
4. Legal form of business organization during last five (5) years.
- _____ Corporation
- _____ Subchapter S Corporation
- _____ Partnership
- _____ Proprietorship
- _____ Trust
- _____ Other?
5. State of incorporation _____ Date of incorporation _____
6. Name of registered agent _____
7. Address of registered agent _____

8. Name and address of principal stockholders. Number of shares owned by each. (If more than 8 shareholders, list only those with 5% or more stock ownership.) Total outstanding shares _____.

	<u>Name</u>	<u>Address</u>	<u>Shares</u>
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____
(7)	_____	_____	_____
(8)	_____	_____	_____

9. (A) Name and address of current (and for previous five years) officers and number of shares held by each.

	<u>Name</u>	<u>Address</u>	<u>Shares</u>	<u>Terms</u>
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____

(4)	_____	_____	_____	_____
(5)	_____	_____	_____	_____
(6)	_____	_____	_____	_____
(7)	_____	_____	_____	_____
(8)	_____	_____	_____	_____
(9)	_____	_____	_____	_____
(10)	_____	_____	_____	_____

9. (B) Name and address of current (and for previous five years) members of board of directors and number of shares held by each.

	<u>Name</u>	<u>Address</u>	<u>Shares</u>	<u>Terms</u>
(10)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(4)	_____	_____	_____	_____
(5)	_____	_____	_____	_____
(6)	_____	_____	_____	_____
(7)	_____	_____	_____	_____

- (8) _____
- (9) _____
- (10) _____
- (11) _____

10. Has this organization ever issued a prospectus for the sale of stock? (Yes ()). List date, number, and type of shares for each prospectus during the last five years.

(A) Registration on national or local stock exchange(s). (Give details, including date of registration and/or delisting).

(1)

(2)

(B) Total authorized shares for each type issued and present market value per share on each type of stock (or book value if not actively traded).

	<u>Type of Shares</u>	<u>Total Shares</u>	<u>Book Value</u>	<u>Market Value</u>
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____

(C) Total outstanding shares of each type of stock currently being held as treasury stock.

(D) Total outstanding shares of each type of stock.

(E) Amount of bonded debt and principal bondholders.

12. List states and municipalities to which taxes have been paid and/or are being paid. Describe nature and amount of such taxes, state most recent year of payment thereof and whether tax payments are current.

13. Has this organization filed United States income tax returns during the last 5 years?
Yes () No ()

To which Internal Revenue Service Office(s)

What years?

Are Federal taxes current? Yes () No ()

Provide income tax returns for the latest five (5) years.

14. Name and address of:

(A) Organization's Independent Certified Public Accountants

(B) Attorney(s) retained by organization from:

_____ To

15. Has this organization filed financial forms with any organization or government entity? List name of organization or entity, date and type of financial form.

16. Does this organization have financial statements i.e. income statement, balance sheet, statement of changes in financial position etc. for the five most recent calendar or fiscal years?

Submit one copy of each. (Audited or certified financial statements are preferred). If financial statements are submitted, answer only questions 2(A), 2(B), and 3(A).

(1)	<u>Assets</u>	<u>Amount</u>
	Year	_____
	Cash	\$ _____
	Securities	\$ _____
	Existing Facilities	\$ _____
	Equipment	\$ _____
	Original Cost	\$ _____
	Depreciation	\$ _____
	Inventory	\$ _____

Accounts Receivable	\$				
Other	\$				
Total Assets	\$				

(2) Liabilities and Stockholders Equity

	Year				
Loans Payable ¹					
Principal	\$				
Monthly Payments	\$				
Mortgages ²					
Principal	\$				
Monthly Payments	\$				
Accounts Payable	\$				
Deferred Taxes	\$				
Insurance Premiums	\$				
Other	\$				
Stockholder's Equity	\$				
Common Stock	\$				
Paid-in-Capital	\$				
Retained Earnings	\$				

¹Complete loan information as requested on page 8, under a) Loans Payable.

²Complete mortgage information as requested on page 8, under b) Mortgages Payable.

Total Liabilities and Stockholder's Equity \$

A. Loans Payable

	<u>Owed to/Purpose</u>	<u>Term/Interest Rate</u>	<u>Collateral/Cosigner</u>
1)	_____	_____	
2)	_____	_____	
3)	_____	_____	

	<u>Monthly Payments</u>	<u>Original Amount/Date</u>	<u>Collateral/Cosigner</u>
1)	_____	_____	
2)	_____	_____	
3)	_____	_____	

B. Mortgages Payable

1)	_____	_____
2)	_____	_____
3)	_____	_____

	<u>Monthly Payments</u>	<u>Original Amount/Date</u>	<u>Present Balance</u>
1)	_____	_____	
2)	_____	_____	
3)	_____	_____	

(3) Income/Expenses

Gross Income

Net Sales \$ _____

Interest Income \$ _____

Dividends \$ _____

Other \$ _____

Operating Expenses

Wages \$ _____

Overhead \$ _____

Lease Pmts \$ _____

Interest Expense \$ _____

Cost of Sales \$ _____

Net Income \$ _____

(A) In addition, provide the following firm size information:

(1) Number of employees _____

(2) Size of warehouse _____

(3) Number and size Of shipments _____

(4) Other _____

Attach the following additional years for question 16 on a separate sheet: _____

17. Does this organization maintain bank accounts: Give names and addresses of banks, savings and loan associations, and other such entities, within the United States or located elsewhere. Indicate name and number of accounts and balances.

(A) Name of Bank Account # Balance (Approximate)

	_____	_____	_____
	_____	_____	_____
(B)	<u>Name of Bank</u>	<u>Account #</u>	<u>Balance (Approximate)</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
(C)	<u>Other Account(s)</u>	<u>Account #</u>	<u>Balance (Approximate)</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
(D)	<u>Savings & Loan Associations or Other Such Entities</u>		
	_____	_____	_____
(E)	<u>Trust Account(s)</u>		
	_____	_____	_____
(F)	<u>Other Account(s)</u>		
	_____	_____	_____

18. List commercial paper, negotiable or non-negotiable in which the organization has any interest
 what, however, presently in transit or in the possession of any banking institution. Describe such paper
 and organization's interest therein, and state its present location. List all accounts and loans
 receivable in excess of \$300.00 and specify if due from an officer, stockholder, or director.
19. Has this organization engaged in any joint loan agreements, including letters of credits, with any
 other organization(s)? Describe all such agreements.

20. Does this organization have any debt coinsured by another organization? Describe such arrangements.
21. List all equity participation in other organizations both domestic and foreign in which this organization has an interest, including the type, amount and terms of such interest.
22. List all debt participation in other organizations both domestic and foreign in which this organization has an interest, including the type, amount and terms of such interest.
23. Is this organization presently:
- | | | | |
|-----|---|---------|--------|
| (A) | Active
(Answer no for inactive; but,
still in business) | Yes () | No () |
| (B) | Void and/or terminated
State authorities | Yes () | No () |
| (C) | Otherwise dissolved | | |
| | 1) Date | | |
| | 2) By whom | | |

3) Reason

24. (A) List corporate salaries to and/or drawings of the following personnel for the last five taxable years:

Position (Including officers)	Specify Year () () () () ()
President	\$
Chairman/Board	\$
Secretary	\$
Treasurer	\$

- (B) List the five most highly compensated employees or officers other than above, describe position and set forth annual salary and/or bonus for last five taxable years:

Position	Specify Year () () () () ()
<u>Name</u>	<u>Position</u>
1. _____	
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

- (C) Describe the nature of the compensation paid to the persons listed in (A) and (B) above and set forth any stock options, profit sharing, royalties, or other deferred compensation rights of said persons.

25. List organizations commercial activity (fields of activity resulting in income) and SIC Code.

	<u>Commercial Activity</u>	<u>SIC Code</u>
Primary	_____	_____

Other 1. _____

Other 2. _____

Other 3. _____

26. List all other supplementary fields of activity in which this organization is engaged, either directly, through subsidiaries, or affiliates, stating the name(s) and state(s) of incorporation of such subsidiaries or affiliates.

27. Has this organization at any time been the subject of any proceeding under the provisions of any state insolvency law or the Federal Bankruptcy Act, as amended? If so, supply the following information as to each such proceeding:

(A) Date (Commencement)

(B) Date (Termination)

(C) Discharge or other disposition, if any, and operative effect thereof:

(D) State Court _____ Federal Court
County District

(E) Docket No. _____

28. (A) List all real estate, and personal property of an estimated value in excess of \$500.00 owned or under contract to be purchased by this organization and where located:

(B) List and describe all judgments, recorded and unrecorded:

Against the organization

In favor of the organization

List and describe all other encumbrances against real estate owned by the organization: (include but not limited to mortgages, recorded or unrecorded)

List and describe all other encumbrances (including but not limited to security interest, whether preferred or not) against any such personal property owned by the organization as is listed in 28 (A) above.

(E) List and describe location of real state, including real estate being purchased under contract, with name and address of seller and contract price:

29. List all life insurance, now in force on any or all officers, directors, and/or "key" employees, setting forth face amounts, names of life insurance companies and policy numbers where this organization has an "insurable interest" and/or is paying the premium or part of same. Where applicable, indicate under which policy(s) this organization is a beneficiary, type policy(s), yearly premium and location of policy(s). In addition, describe the conditions of and borrowing options available under each policy.
30. For the following types of policies, list all primary and excess insurance policies, the deductible amounts, the per occurrence and aggregate coverage limit for each policy. List all policies held by the firm (or predecessor firms) starting from the date which the pollution incident began.
- (A) Comprehensive general liability
 - (B) Environmental impairment liability
 - (C) Other policies for which coverage might apply including participation in risk retention pools.

(D) Other

List all transfers of any and all assets, real and/or personal property (over \$300.00) made by this organization OTHER THAN IN THE ORDINARY COURSE OF BUSINESS, during the last three (3) calendar years and state to whom transfer was made. Describe compensation paid by recipient and to whom.

<u>Date</u>	<u>Amount</u>	<u>Property Transferred</u>	<u>To Whom</u>	<u>Conditions Of Transfer</u>
_____	_____	_____	_____	
_____	_____	_____	_____	
_____	_____	_____	_____	
_____	_____	_____	_____	

Is this corporation a party in any law suit now pending?

Yes () (Give details below) No ()

Please list names and addresses of any persons or other business entity, holding funds in escrow or trust for this organization, or any of its subsidiaries or affiliates.

Other information requested:

Additional remarks:

VERIFICATION AND AFFIDAVIT

With knowledge of the penalties for false statements provided by 18 United States Code 1001 (\$10,000 fine and/or five (5) years imprisonment) and with knowledge that this financial statement is submitted by me as a responsible officer of this organization to affect potential action by EPA and the Department of Justice, I hereby certify that I believe I completely understand the above statement, and that the same is true and complete statement of all organization income and assets, real and personal, whether held in the company name or otherwise.

Date: _____

Affiant (Officer/ Corporate Position)

Name: _____

Signature: _____

ATTACHMENT E
SBREFA FACT SHEET



FACT SHEET

**WHAT SMALL ENTITIES
SHOULD KNOW ABOUT
REGULATORY FLEXIBILITY
ACT AND THE SMALL
BUSINESS REGULATORY
ENFORCEMENT FAIRNESS
ACT**

Why should I be interested in RFA/SBREFA?

EPA has an ongoing commitment to minimize the burden of our regulations on small entities to the extent we can while still meeting our statutory requirements. The Regulatory Flexibility Act (RFA), as amended by Small Business Regulatory Enforcement Fairness Act (SBREFA), provides small entities with an expanded opportunity to participate in the development of certain regulations.

What is SBREFA?

SBREFA was signed into law on March 29, 1996, and contains five distinct sections:

- **Subtitle A—Regulatory Compliance Simplification:** Among other things, requires the agency to publish Small Entity Compliance Guides that are written in plain language and explain the actions a small entity must take to comply with a rule or group of rules.
- **Subtitle B—Regulatory Enforcement Reforms:** Requires agencies to support the rights of small entities in enforcement actions, specifically providing for the reduction, and in certain cases, the waiver of civil penalties for violations by small entities.
- **Subtitle C—Equal Access to Justice:** Provides small businesses with expanded authority to go to court to be awarded attorneys' fees and costs when an agency has been found to be excessive in enforcement of federal regulations.
- **Subtitle D—Regulatory Flexibility Act Amendments:** Provides small entities with expanded opportunities to participate in the development of certain regulations.
- **Subtitle E—Congressional Review of Agency Rulemaking:** Agencies generally must provide Congress and the General Accounting Office with copies of all final rules and supporting analyses. Congress may decide not to allow a rule to take effect.

How does SBREFA affect EPA rulemaking?

SBREFA established certain formal procedural and analytical requirements (outlined below) for rules with the potential to impose a significant economic impact on a substantial number of small entities. But EPA also considers the concerns of small entities in the more frequent cases where impacts on small entities are more modest, even though SBREFA doesn't require it.

What does RFA/SBREFA require for proposed rules?

Initial Regulatory Flexibility Analysis. Generally, the RFA requires EPA to prepare an Initial Regulatory Flexibility Analysis (IRFA) for each proposed rule unless the rule will not have a significant economic impact on a substantial number of small entities. A regulatory flexibility analysis examines the type and number of small entities potentially subject to the rule, recordkeeping and compliance requirements, and significant regulatory alternatives, among other things.

What does RFA/ SBREFA require for final rules?

Small Business Advocacy Review Panel. When an IRFA is required, EPA must also convene a Small Business Advocacy Review Panel before proposing a rule. EPA's Small Business Advocacy Chair convenes each Panel, which includes representatives from the Small Business Administration, the Office of Management and Budget, and EPA. A Panel conducts its own outreach to Small Entity Representatives likely to be subject to the rule and prepares a report to the Administrator of EPA on ways to reduce the potential impact of the rule on small entities. Each Panel's report becomes part of the rulemaking record for the proposed rule.

Final Regulatory Flexibility Analysis. When EPA issues a rule that may have a significant economic impact on a substantial number of small entities, we must prepare a Final Regulatory Flexibility Analysis (FRFA). The elements of a FRFA are similar to those of an IRFA, outlined above. In addition, each FRFA must summarize the significant issues raised by public comments on the IRFA, assess these issues, and describe any changes made in response to the comments.

Small Entity Compliance Guide. When a FRFA is required, EPA must also publish Small Entity Compliance Guides that are written in plain language and explain the actions a small entity must take to comply with a rule or group of rules.

What is the progress to date?

- EPA has completed 30 SBAR Panels in cooperation with SBA and OMB. In each case, the Panel recommended changes to the rule that would reduce impacts on small entities.
- EPA maintains a website dedicated to RFA/SBREFA issues: www.epa.gov/sbrefa. The primary purpose of the site is to provide public access to information and documents produced for, or directly related to, the Agency's implementation of SBREFA.
- Small Entity Compliance Guides are available on the RFA/SBREFA website.
- In March 1998, EPA delivered to Congress reports on SBREFA Section 223 - Penalty Reduction Program for Small Entities and SBREFA Section 213 - Informal Guidance Program. These reports are also available from the SBAC staff or from the RFA/SBREFA website.
- To date, EPA has submitted approximately 5,400 documents to Congress under the Congressional Review Act.

Where can I get more information?

Several EPA documents are available that can provide more information on the RFA/SBREFA, the Agency's small entity compliance assistance efforts and the elements of a regulatory flexibility analysis. These documents and further assistance with any RFA/SBREFA questions are available from the SBAC, SBAC Staff, or from the RFA/SBREFA website, listed below.

Small Business Advocacy Chair Alexander Cristofaro

Small Business Advocacy Chair Staff

Lanelle Wiggins, Team Leader

(202) 566-2372; wiggins.lanelle@epa.gov

Lakeshia Walker

(202) 564-6571; walker.lakeshia@epa.gov

Caryn Muellerleile

(202) 564-2855; muellerleile.caryn@epa.gov

Nathaniel Jutras

(202) 564-0301; jutras.nathaniel@epa.gov

RFA/SBREFA Website **www.epa.gov/sbrefa**

EXHIBIT 2



UNITED STATES ENVIRONMENTAL
REGION 4
ATLANTA FEDERAL CI
61 FORSYTH STRE
ATLANTA, GEORGIA 303

FEB 8 2010

**GENERAL NOTICE LETTER AND
INFORMATION REQUEST
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL- RETURN RECEIPT REQUEST**

Derek Nevada Reeves
504 Highway 194 South
West Jefferson, North Carolina 28694

Re: General Notice Letter and Information R-
104(e) for the Ore Knob Mine Superfund
Carolina

Dear Mr. Reeves:

The purpose of this letter is twofold. First, this letter notifies you of the potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), that you may have incurred with respect to the Ore Knob Mine Superfund Site ("Site") located near Jefferson, Ashe County, North Carolina. Second, pursuant to the authority of Section 104 of CERCLA, 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Attachment A, attached hereto.

Under CERCLA, commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency ("EPA") is responsible for responding to the release or threat of release of hazardous substances, pollutants, or contaminants into the environment - that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that you may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

506
Derek Nevada Reeves
504 Highway 194 South
West Jefferson, NC 28694

1. Article Addressed to:
2. Article Number:
3. Article Title:
4. Article Type:
5. Article Date:
6. Article Author:
7. Article Editor:
8. Article Publisher:
9. Article Title:
10. Article Date:
11. Article Author:
12. Article Editor:
13. Article Publisher:

Domestic Return Receipt

7005 2570 0001 4902-3447

1. Article Addressed to:		2. Article Number:	
3. Article Title:		4. Article Type:	
5. Article Date:		6. Article Author:	
7. Article Editor:		8. Article Publisher:	
9. Article Title:		10. Article Date:	
11. Article Author:		12. Article Editor:	
13. Article Publisher:		14. Article Title:	
15. Article Date:		16. Article Author:	
17. Article Editor:		18. Article Publisher:	
19. Article Title:		20. Article Date:	
21. Article Author:		22. Article Editor:	
23. Article Publisher:		24. Article Title:	
25. Article Date:		26. Article Author:	
27. Article Editor:		28. Article Publisher:	
29. Article Title:		30. Article Date:	
31. Article Author:		32. Article Editor:	
33. Article Publisher:		34. Article Title:	
35. Article Date:		36. Article Author:	
37. Article Editor:		38. Article Publisher:	
39. Article Title:		40. Article Date:	
41. Article Author:		42. Article Editor:	
43. Article Publisher:		44. Article Title:	
45. Article Date:		46. Article Author:	
47. Article Editor:		48. Article Publisher:	
49. Article Title:		50. Article Date:	
51. Article Author:		52. Article Editor:	
53. Article Publisher:		54. Article Title:	
55. Article Date:		56. Article Author:	
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79. Article Title:		80. Article Date:	
81. Article Author:		82. Article Editor:	
83. Article Publisher:		84. Article Title:	
85. Article Date:		86. Article Author:	
87. Article Editor:		88. Article Publisher:	
89. Article Title:		90. Article Date:	
91. Article Author:		92. Article Editor:	
93. Article Publisher:		94. Article Title:	
95. Article Date:		96. Article Author:	
97. Article Editor:		98. Article Publisher:	
99. Article Title:		100. Article Date:	

EXHIBIT 3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 03 2010

SITE: Ore Knob
BREAK: 11.9
OTHER: 134

40EA

NOTICE OF INADEQUATE RESPONSE
URGENT LEGAL MATTER - PROMPT REPLY REQUIRED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Derek Nevada Reeves
534-D Highway 194 South
West Jefferson, North Carolina 28694

Re: Request for Information Pursuant to Section 104(e) of CERCLA for
the Ore Knob Mine Superfund Site, Jefferson, Ashe County, North Carolina

Dear Mr. Reeves:

On February 8, 2010, you were sent a General Notice and Information Request Letter pursuant Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, via certified mail requesting information and documents regarding the Ore Knob Mine Superfund Site in Jefferson, Ashe County, North Carolina, which are attached hereto as Exhibit I. According to the return receipt, you received the letter on February 20, 2010 (see Exhibit 2). Your response to the Information Request was due within thirty (30) days of your receipt of the letter, on March 22, 2010.

According to EPA records, you have not provided a response to the February 8, 2010 Information Request Letter. EPA still expects you to respond to its Information Request. The purpose of this letter is to notify you that you have failed to provide an adequate response within the allotted time.

Pursuant to the authority of CERCLA Section 104, you were, and still are required to respond fully and truthfully to the February 8, 2010 Information Request Letter within a given period of time. Failure to do so, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended, and Section 3008(a) of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. § 6928(a). Each of these statutes permits EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) for each day of continued noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject you to criminal penalties.



10758933

Internet Address (URL) • <http://www.epa.gov>

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The U. S. Environmental Protection Agency urges you to give this matter your immediate attention. If you do not provide a complete and truthful response immediately, and no later than April 16, 2010, EPA plans to begin the administrative procedures necessary to impose upon you the statutory fines described above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, *et seq.*

Your response to this Information Request should be mailed to me at:

Suzanne K. Armor
Assistant Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

If you have any questions about this letter, you may contact me by phone at (404) 562-9701.

Sincerely,

A handwritten signature in black ink, appearing to read 'Suzanne K. Armor', with a stylized flourish at the end.

Suzanne K. Armor
Assistant Regional Counsel
Office of Environmental Accountability

Enclosures

1. Cover letter and General Notice and Information Request Letter, dated February 8, 2010
2. Certified mail return receipt, dated February 20, 2010

EXHIBIT 4

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>2. Print your name and address on the reverse so that we can return the card to you.</p> <p>3. Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature: <i>Derek Reeves</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): _____ C. Date of Delivery: _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: _____</p>	
<p>1. Article Addressed to:</p> <p>Derek Nevada Reeves 534 D Hwy. 194 South West Jefferson, NC 28694</p>		<p>2. Service Type: <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>3. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7005 2570 0001 4902 3436</p>			
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	

U.S. Postal Service	
<p>CERTIFIED MAIL - RECEIPT</p> <p>(Domestic Mail Only; No Insurance Coverage Provided)</p> <p>For delivery information visit our web site at www.usps.com</p>	
<p>OFFICIAL USE</p>	
<p>Postage \$ _____</p> <p>Certified Fee \$ _____</p> <p>Return Receipt Fee (Statement Required) \$ _____</p> <p>Restricted Delivery Fee (Statement Required) \$ _____</p> <p>Total Postage: _____</p>	<p>Postmark Here: <i>[Signature]</i></p>
<p>Deliver to: Derek Nevada Reeves 534 D Hwy. 194 South West Jefferson, NC 28694</p> <p>Street Apt. P.O. or P.O. Box No.: _____ City, State, ZIP+4: _____</p>	

**Shipment Receipt**

(Keep this for your records.)

Transaction Date 27 Apr 2010

Address Information

Ship To:
Derek Nevada Reeves
Derek Nevad Reeves
4045629701
613 Edmonds Road
GALAX VA 24333-3971
Residential

Shipper:
EPA-FINANCE
Luz Colon
4045629515 x9515
61 FORSYTH ST
ATLANTA GA 30303

Ship From:
EPA-FINANCE
Luz Colon
4045629515 x9515
61 FORSYTH ST
ATLANTA GA 30303

Shipment Information

Service: UPS Next Day Air
***Guaranteed By:** End of Day, Wed. 28 Apr. 2010
Quantum View Notify SM 1: Armor.Suzanne@epa.gov
Ship, Delivery
Quantum View Notify SM

Total: No Charge

Fuel Surcharge: **2.13

Shipping: **30.45

Package Information

Package 1 of 1
Tracking Number: 1Z3844000199828368
Package Type: UPS Letter
Actual Weight: 1.0 lbs
Billable Weight: 1.0 lbs
Reference # 1: OEA

Billing Information

Bill Shipping Charges to: Shipper's Account 384400

Total: **All Shipping Charges in USD** **32.58

Note: Your invoice may vary from the displayed reference rates.

* For delivery and guarantee information, see the UPS Service Guide. To speak to a customer service representative, call 1-800-PICK-UPS for domestic services and 1-800-782-7892 for international services.

** Detailed information on fuel surcharges is also available.

UPS Delivery Notification, Tracking Number 1Z3844000199828368

UPS Quantum View

to:

Suzanne Armor

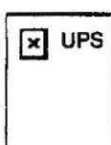
04/28/2010 04:18 PM

Please respond to auto-notify

Show Details

Security:

Some images were prevented from loading. Show Images



***Do not reply to this e-mail. UPS and EPA-FINANCE will not receive your reply.

At the request of EPA-FINANCE, this notice is to confirm that the following shipment has been delivered.

Important Delivery Information

Delivery Date / Time: 28-April-2010 / 3:24 PM

Driver Release Location: FRONT DOOR

Shipment Detail

Ship To:

Derek Nevad Reeves
Derek Nevada Reeves
613 EDMONDS RD
GALAX
VA
24333
US

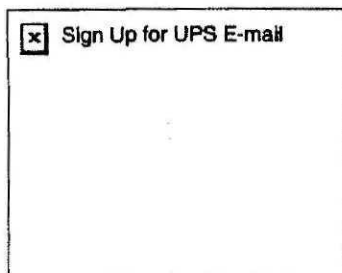
UPS Service: NEXT DAY AIR

Weight: 1.0 LBS

Tracking Number: 1Z3844000199828368

Reference Number 1: OEA

2rr2rr2I8ULO2G



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